
23 vol

THE

Statutes at Large,

FROM THE

Thirty Second Year of King GEORGE II.

TO THE

First Year of King GEORGE III.
Inclusive.

BY

DANBY PICKERING, of GRAY'S INN, Esq;

THE
Statutes at Large,
FROM THE
Thirty Second Year of King GEORGE II.
TO THE
First Year of King GEORGE III.
Inclusive.

To which is prefixed,
A TABLE containing the TITLES of all the STATUTES
during that Period.

VOL. XXIII.

By DANBY PICKERING, of Gray's-Inn, Esq;
Reader of the Law Lecture to that Honourable Society.

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TABLE of the STATUTES,

aining the Titles of all such Acts as are extant in print, from the Thirty Second Year of King GEORGE II. to the First Year of King GEORGE III. inclusive.

Anno 33 Georgii II.

Cap. 1. **F**OR granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty.

Cap. 2. To enable his Majesty's lieutenants of the several counties, ridings, or places, in that part of *Great Britain* called *England*, to proceed in the execution of the laws relating to the militia, notwithstanding any suspension of the same; and for other purposes relating to the said laws.

Cap. 3. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty.

Cap. 4. To continue, for a further time, the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from meal, flour, or bran.

Cap. 5. To continue, for a limited time, the importation of salted beef, pork, and butter, from *Ireland*.

Cap. 6. For punishing mutiny and desertion; and for the better payment of the army and their quarters.

Cap. 7. For granting to his Majesty several duties upon malt; and for raising the sum of eight millions by way of annuities and a lottery, to be charged on the said duties;

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and to prevent the fraudulent obtaining of allowances in the gauging of corn making into malt; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed.

Cap. 8. For the regulation of his Majesty's marine forces while on shore.

Cap. 9. For preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making low wines and spirits from wheat, barley, malt, or other grain, and from meal, flour, and bran; for encouraging the exportation of *British* made spirits; and for more effectually securing the duties payable upon spirits, and preventing the fraudulent relanding or importation thereof.

Cap. 10. To enable his Majesty to make leases and copies of offices, lands, and hereditaments, parcel of his duchy of *Cornwall*, or annexed to the same; and for other purposes therein mentioned.

Cap. 11. For taking down and removing the magazine for gunpowder, and all buildings thereto belonging, situate near *Greenwich* in the county of *Kent*; and erecting, instead thereof, a new magazine for gunpowder at *Perth*, near the river of *Thames*, in the county of

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Essex; and applying a sum of money granted in this session of parliament towards those purposes; and for obviating difficulties arisen upon an act made in the last session of parliament, for making compensation for lands and hereditaments purchased for his Majesty's service at *Portsmouth, Chatham, and Plymouth*.

Cap. 12. For adding certain annuities granted in the year one thousand seven hundred and fifty nine, to the joint stock of three *per centum* annuities, consolidated by the acts of the twenty fifth, twenty eighth, twenty ninth, and thirty second years of his present Majesty's reign, and for carrying the several duties therein mentioned to the sinking fund; and for cancelling such lottery tickets as were made forth in pursuance of an act of the thirtieth year of his present Majesty's reign, and were not disposed of.

Cap. 13. For allowing further time for inrollment of deeds and wills made by papists; and for relief of protestant purchasers.

Cap. 14. For enlarging the times for the first meetings of commissioners or trustees for putting in execution certain acts of this session of parliament.

Cap. 15. For rendering the exportation of culm from the harbour of *Milford* in the county of *Pembroke*, and the limits thereof, to the neighbouring counties, more easy to the proprietors and purchasers of the same; and for better securing the duties payable thereon.

Cap. 16. To continue several laws therein mentioned relating to the clandestine running of uncultured goods, and preventing frauds relating to the customs; to prevent the clandestine running of goods, and the danger of infection there-

by; to the granting liberty to carry rice from his Majesty's province of *Carolina* in *America*, directly to any part of *Europe*, southward of *Cape Finisterre*, in ships built and navigated according to law; to the free importation of cochineal and indico; to the prohibiting the importation of books reprinted abroad, and first composed, written, and printed, in *Great Britain*; and for allowing further time for making affidavits of the execution of articles or contracts of clerks to attornies or solicitors, and filing thereof.

Cap. 17. To continue an act made in the twelfth year of the reign of her late majesty *Queen Anne*, intituled, *An act for the better encouragement of the making of Sail cloth in Great Britain*.

Cap. 18. For enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating certain supplies granted in this session of parliament.

Cap. 19. For the more effectual securing the payment of such prize and bounty monies as were appropriated to the use of *Greenwich Hospital*, by an act made in the twenty ninth year of the reign of his present Majesty, intituled, *An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy*.

Cap. 20. To enforce and render more effectual the laws relating to the qualification of members to sit in the house of commons.

Cap. 21. For granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and sixty.

Cap. 22. For limiting, confining, and better regulating, the payment of the weekly allowances made by act of parliament, for the maintenance

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maintenance of families unable to support themselves during the absence of militia men, embodied and ordered out into actual service; and for explaining so much of an act made in this session of parliament, intuled, *An act for punishing mutiny and desertion, and for the better payment of the army and their quarters*, as relates to the militia when embodied and in actual service; and for explaining and amending certain parts of the laws now in force, for the better ordering of the militia forces in that part of *Great Britain* called *England*.

Cap. 23. For enabling his Majesty to raise a certain sum of money towards paying off and discharging the debt of the navy; and towards naval services, for the year one thousand seven hundred and sixty.

Cap. 24. For applying the money granted in this session of parliament, towards defraying the charge of pay and cloathing of the unembodied militia, for one year, ending the twenty fifth day of *March*, one thousand seven hundred and sixty one; and for explaining certain parts of the acts for the better ordering of the militia forces within that part of *Great Britain* called *England*, relating to the money to be given to private militia men, upon their being ordered out into actual service; and to the cloaths of private militia men; and to the time of the commencement of the pay of the embodied militia.

Cap. 25. For continuing certain laws relating to the additional number of one hundred hackney chairs, and to the powers given for regulating hackney coaches and chairs.

Cap. 26. For reviving and continuing so much of an act made in the twenty first year of his present Majesty's reign, as relates to the more effectual trial and punishment of high treason, and misprision of

high treason, in the highlands of *Scotland*; and also for continuing two other acts, one made in the nineteenth year, and the other made in the twenty first year, of his present Majesty's reign, so far as they relate to the more effectual disarming the highlands of *Scotland*, and for securing the peace thereof.

Cap. 27. To repeal so much of an act passed in the twenty ninth year of his present Majesty's reign, concerning a free market for fish at *Westminster*, as requires fishermen to enter their fishing vessels at the office of the searcher of the customs at *Gravesend*; and to regulate the sale of fish at the first hand in the fish markets in *London* and *Westminster*; and to prevent salemen of fish buying fish to sell again on their own account; and to allow hret and turbot, brill and pearl, although under the respective dimensions mentioned in a former act, to be imported and sold; and to punish persons who shall take or sell any spawn, brood, or fry of fish, unsizeable fish, or fish out of season, or smelts under the size of five inches; and for other purposes.

Cap. 28. For encouraging the exportation of rum and spirits of the growth, produce, and manufacture, of the *British* sugar plantations, from this kingdom, and of *British* spirits made from melasses.

Cap. 29. To indemnify persons who have omitted to qualify themselves for offices and employments, and to indemnify Justices of the peace, deputy lieutenants, officers of the militia, and others, who have omitted to register or to deliver in their qualifications within the time limited by law, and for giving further time for those purposes.

Cap. 30. For widening certain streets, lanes, and passages within the city

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- of *London*, and liberties thereof; and for opening certain new streets and ways within the same; and for other purposes therein mentioned.
- Cap. 31. For regulating the proceedings in personal actions in the respective courts baron of the hundred of *High Peak*, and manor of *Castleton*, in the county of *Derby*.
- Cap. 32. For draining and preserving certain fen lands and low grounds in the isle of *Ely*, and counties of *Suffolk* and *Norfolk*, between *Mildenhall* river south, *Plant Load* and *Brandon* river north, bounded on the west by the river *Ouse*, and on the east by *Winter Load*, *Earfwell Brooke*, and the hard lands of *Mildenhall*; and for empowering the governor, bailiffs, and commonalty, of the company of conservators of the great level of the fens, commonly called *Bedford Level*, to sell certain fen lands lying within the limits aforesaid, commonly called *Invested Lands*.
- Cap. 33. To amend and render more effectual two acts passed in the eleventh and seventeenth years of the reign of his present Majesty, for repairing several roads leading to and from the town of *Derby*, in the county of *Derby*.
- Cap. 34. For making more effectual, and continuing the term, and enlarging and altering the powers, of an act made in the twentieth year of his present Majesty's reign, for repairing and widening the road leading from the city of *Gloucester*, towards the city of *Hereford*; and for repairing other roads in the county of *Gloucester*, in the said act mentioned.
- Cap. 35. For erecting piers, and other works, for the security and improvement of the harbour of *New Shoreham*, in the county of *Sussex*, and for keeping the same in repair.
- Cap. 36. For repairing several roads leading to the town of *Oakhampton*, in the county of *Devon*.
- Cap. 37. For enlarging the term and powers of two acts made in the fifth year of his late Majesty, and in the ninth year of his present Majesty's reign, for repairing the road from *Beaconsfield*, in the county of *Bucks*, to *Stoken Church* in the county of *Oxon*.
- Cap. 38. For enlarging the term and powers granted by an act made in the twenty fifth year of the reign of his present Majesty, for repairing and widening the road leading from *Market Harborough* in the county of *Leicester*, to the pound in the parish of *Brampton* in the county of *Huntingdon*; and by one other act made in the twenty seventh year of the reign of his present Majesty, for explaining, amending, and rendering more effectual the said former act.
- Cap. 39. For repairing and widening the road from the turnpike road near the west end of the town of *Chestersfield* to *Matlock Bridge*; and also the road leading out of the said road over *Darley Bridge* to *Crofs Green*; and also the road leading out of the last mentioned road, to the turnpike road near *Rouevsly Bridge*, in the county of *Derby*.
- Cap. 40. For extending the powers granted by an act passed in the twenty fifth year of the reign of his present Majesty, for repairing the road leading from the *Royal Oak* on *Wrotham Heath*, to the town of *Wrotham*, in the county of *Kent*, and from thence to the village of *Foots-Cray*, in the said county, to the road leading from the *Royal Oak* on *Wrotham Heath*, to the town of *Maidstone*.
- Cap. 41. For amending, widening, and keeping in repair, the high road from the borough of *Tunworth*,

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- worth, to *Ashby de la Zouch*, in the county of *Leicester*; and from *Sawley Ferry* in the said county, to a turnpike gate, at or near the end of *Swardiff Lane*, leading to *Ashby de la Zouch* afore said.
- Cap. 42. For repairing and widening the roads from *Halewarthy*, in the parish of *Davidstow*, in the county of *Cornwall*, to the east end of *Wadebridge* in the said county; and from the west end of *Wadebridge* afore said, into and through the borough of *Mitchell* in the said county.
- Cap. 43. For enlarging the term and powers granted by several acts of parliament of the eighth year of her late majesty *Queen Anne*, the ninth year of his late majesty *King George the First*, and the fifteenth year of his present Majesty's reign, for repairing the highways between the house commonly called *The Horse-shoe House*, in the parish of *Stoke Goldington* in the county of *Bucks*, and the town of *Northampton*, and the road from the north bridge of *Newport Pagnel* in the county of *Bucks*, to *The Horse-shoe House*.
- Cap. 44. For enlarging the term and powers contained in two several acts of parliament, made in the twelfth and sixteenth years of the reign of his present Majesty, for repairing the road from the *Dun Cow* in the town of *Dunchurch*, to the town of *Hillmorton* in the county of *Warwick*; and from thence to *Saint James's end*, in the parish of *Duston*, in the county of *Northampton*; and for making the same acts more effectual.
- Cap. 45. For extending and continuing the navigation of the river *Wey*, otherwise *Wye*, in the county of *Surry*, to the town of *Godalming*, in the said county.
- Cap. 46. For repairing and widening the high roads from *Hinckley* to *Woelfull Bridge*, and also from *Hoo-ash-Lane*, through *Old Lane*, and from *Swannington* to *Lee Gutter*; and from thence to *Melbourn Common*, and from *Ibstock* to *Measham*, in the counties of *Leicester* and *Derby*.
- Cap. 47. For amending, widening, and keeping in repair, several roads therein mentioned, lying in the counties of *Derby*, *Leicester*, and *Warwick*.
- Cap. 48. For diverting, altering, widening, repairing, and amending, the roads from the town of *Halifax*, and from *Sowerby Bridge*, in the county of *York*, by *Tadmorden*, to *Burnley* and *Littleborough*, in the county of *Lancaster*.
- Cap. 49. To amend an act passed in the seventh year of the reign of his late majesty *King George the First*, for making the river *Waver* navigable from *Froxham Bridge* to *Winsford Bridge*, in the county of *Chester*; and for the more effectual preserving and improving the navigation of the said river.
- Cap. 50. For amending, widening, and keeping in repair, several roads leading from the market house in the town of *Kidderminster*, in the county of *Worcester*.
- Cap. 51. For repairing and widening the road, from the bars at *Boughton*, within the liberties of the city of *Chester*, to *Whitchurch*; and from thence to *Newport* in the county of *Salop*, to *Ivetley Bank*, in the county of *Stafford*; and from thence to *Castle Bromwich*, and *Sone Bridge*, in the parish of *Hampton* on *Arden*, in the county of *Warwick*; and from *Castle Bromwich* to *Birmingham* in the same county.
- Cap. 52. For rebuilding, widening, and enlarging, the bridge over the river *Avon*, in the city of *Bristol*, and erecting a temporary bridge adjoining; and for widening the streets, lanes, ways, and passages, leading

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leading thereto, and for building another bridge, over some other part of the said river, within the said city, if necessary; and for opening proper ways and passages thereto.

Cap. 53. For laying a duty of two pennies *Scots*, or one sixth part of a penny sterling, upon every *Scots* pint of ale, porter, or beer, brewed for sale, or vended, within the town and parish of *Dalkeith*.

Cap. 54. For raising money for finishing and completing the repair of *Leeds Bridge*, in the county of *York*, and for the purchasing and taking down the houses and buildings, which straiten and obstruct the passage to and over the said bridge.

Cap. 55. For amending and widening the road, from *Bawtry* to *Sheffield*, and from *Sheffield* to the south side of *Wortley*, in the county of *York*, where it joins to the turnpike road, leading from *Rotherham* to *Manchester*.

Cap. 56. For repairing and widening the roads from *Deanburn Bridge*, through *Greenlaw*, and part of *Fedburgh* road, by *Lauder*, in the shire of *Berwick*, to *Cornhill* in the county of *Durham*; and for building a bridge over the *Tweed*, near *Goldstream*.

Cap. 57. For the amending, widening and keeping in repair, the road leading from the thirty nine mile stone, in the upper end of *Stone Street*, in the town of *Maidstone* in the county of *Kent*, to a certain place called *Tull's Lake*, in the parish of *Cranbrooke*, in the said county.

Cap. 58. For repairing the roads from the town of *Bricon*, to the parish of *Brobury*, and to *Whitney Passage*, in the county of *Hereford*, and for building a bridge over the river *Wye*, at *Bredwardine Passage*, in the same county.

Cap. 59. For amending, widening, and keeping in repair, several roads, leading to the borough of *Launceston*, in the county of *Cornwall*.

Private Acts.

1. An act for naturalizing *Paul Amfinck* the younger, and *Helwig Lewis Tonnies*.
2. An act to enable the most noble *Francis* duke of *Bridgewater* to make a navigable cut or canal, from, or near *Worsley Mill*, over the river *Irwell*, to the town of *Manchester*, in the county palatine of *Lancaster*, and to, or near, *Longford Bridge*, in the township of *Stretford*, in the said county.
3. An act to enable *John* earl of *Sandwich*, *Wellbore Ellis* esquire, and *Robert Nugent* esquire, to take in *Great Britain*, the oath of office as vice treasurer and receiver general and paymaster general of all his Majesty's revenues in the kingdom of *Ireland*; and to qualify themselves for the enjoyment of the said offices.
4. An act to enable the governors of the hospital of *King James*, founded in *Charter-house*, to grant building, or other leases, of some parts of the estates of the said hospital, lying in the parish of *Saint James*, *Clerkenwell*, and elsewhere, in the county of *Middlesex*, for such terms of years as are therein mentioned.
5. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and commonable lands, within the parish, township, and liberties of *Sulgrave*, in the county of *Northampton*.
6. An act for dividing and inclosing the common fields, meadows, pastures, and waste grounds, in the parish of *Mackworth*, in the county of *Derby*.
7. An act for dividing and inclosing

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- the common field, common pastures, common meadows, common grounds, and waste grounds, in *Murston Saint Laurence*, in the county of *Northampton*.
8. An act for dividing and inclosing the common and open fields, in the parish of *Hoby*, in the county of *Leicesters*.
9. An act for dividing and inclosing the common fields, within the parish of *Litcham*, alias *Litcham*, in the county of *Norfolk*, and for extinguishing the rights of common or shackage, in the said common fields, and certain other lands, in the said parish, called *Half-year Closes*.
10. An act for dividing and inclosing the open and common fields of *Somerby*, in the county of *Leicesters*, and all the lands and grounds within the same fields.
11. An act for dividing and inclosing the common fields, common pastures, common meadows, waste grounds, and commonable lands, in the parish of *Barford*, in the county of *Warwick*.
12. An act for inclosing and dividing the moor, or common, called *Hunwick Edge*, in the manor of *Bondgate*, and county of *Durham*.
13. An act to dissolve the marriage of *Exuperius Turner* esquire, with *Elizabeth Louisa*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.
14. An act to dissolve the marriage of *Mark Goodflesh* gentleman, with *Elizabeth Fielding*, his now wife, and to enable him to marry again, and for other purposes therein mentioned.
15. An act to enable *James Hammet* esquire, and his issue, to take and use the surname of *Hamlyn* only.
16. An act to enable *Henry Stoffold*, and *Robert Stoffold*, gentlemen, now called *Henry Austen*, and *Robert Austen*, and their heirs, to take and use the surname, and arms, of *Austen*, instead of their own surname and arms, pursuant to the will of *Robert Austen* esquire, deceased.
17. An act to qualify and enable *Samuel Hallet* esquire, now called *Samuel Farewell*, and his heirs, to use and take, in exchange for his and their own surname, the surname of *Farewell*, pursuant to the will of *Nathaniel Farewell* esquire, deceased.
18. An act to enable *Thomas Lewis* esquire, and his heirs male, to take, use, and bear the surname and arms of *Lloyd*, pursuant to the will of *Richard Lloyd* esquire, deceased.
19. An act for naturalizing *Peter Trapaud*, *Nicholas Battier*, *Christopher Battier*, *John Ralph Battier*, *Abel Mitz*, *Peter Aubertin*, *John William Smith*, *Gabriel Anthony Ernst*, *Frederick Nicholas Graff*, *Emanuel Philip Bize*, and *David Samuel Henry Duveluz*.
20. An act for naturalizing *Maria Elizabeth Spencer*, wife of *Richard Spencer* esquire.
21. An act for repealing an act of the parliament of *Scotland*, made in the year one thousand six hundred and eighty one, intituled, *Anent the salmon fishing in the water of Nyth*.
22. An act for dividing and inclosing the commons and waste grounds in the manor and constabulary of *Owlston*, in the west riding of the county of *York*.
23. An act for inclosing divers parcels of waste grounds, or commons, in *Longton*, in the county of *Lancaster*, and for enjoying part thereof as a stinted pasture, until the inclosure of the same.
24. An act for dividing and inclosing a certain common, or open piece of waste ground, in the parish

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- rish or township of *Hartbill*, with *Woodhall*, in the county of *York*.
25. An act for dividing and inclosing several open fields, meadows, and commons, within the lordship and liberty of *Seagrave*, in the county of *Leicester*.
26. An act for the dividing and inclosing the open fields, meadow, and common pasture grounds, and waste grounds, in the manor and parish of *Hawthorpe*, in the county of *Nottingham*.
27. An act for dividing and inclosing the moors, commons, and waste grounds, in the manors of *Ugglebarnby* and *Eskdale-side*, in the parish of *Whitby*, and county of *York*.
28. An act for dividing and allotting certain open arable fields, meadow, and pasture grounds, and commons, in the township of *Hayton*, in the county of *Nottingham*.
29. An act for selling part of the settled estate of *Smart Letbicullier* esquire, in the county of *Essex*, and for laying out the money, arising by such sale, in the purchase of other lands and tenements, to be settled to the uses of his marriage settlement.
30. An act for vesting the inheritance of certain estates, in the county of *Northampton*, part of the entailed estate of *John Freeman* esquire, in him, in fee simple, and for settling other estates in the counties of *Wilts* and *Middlesex*, in lieu thereof.
31. An act to enable *John Coopey*, doctor of physick, and *Humphrey Brent Coopey*, his brother, and their issue male respectively, to take and use the surname and arms of *Brent*, pursuant to the will of *Humphrey Brent*, late of the *Middle Temple*, *London*, esquire.
32. An act for naturalizing *Rene Cornabe*, and *John Daniel Lucadou*.
33. An act for dividing and inclosing the several open and common fields, meadows, and commons, within the lordship or liberty of *Barrow upon Soar*, in the county of *Leicester*.
34. An act for dividing and inclosing certain open and common fields, meadows, commons, and waste grounds, within the manor or lordship of *Adwicke in the Street*, in the county of *York*.
35. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, of, and in, the manor, hamlet, and liberties, of *West Farndon*, in the parish of *Woodford*, otherwise *Half Woodford*, in the county of *Northampton*.
36. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, and waste grounds, in the manor and parish of *Southam*, in the county of *Warwick*.
37. An act for the dividing and inclosing the open and common fields, in the parish of *Melton Mowbray*, in the county of *Leicester*.
38. An act for inclosing and dividing the common fields, common meadows, and pasture grounds, within the parish of *Folkesworth*, in the county of *Huntingdon*.
39. An act for dividing and inclosing the open and common fields of *Broughton Sulney*, in the county of *Nottingham*.
40. An act for dividing and inclosing the open fields of *Coslock*, otherwise *Cortlingstock*, in the county of *Nottingham*, and all the lands and grounds within the said open fields.
41. An act for dividing and inclosing the open common, in the township of *Ardley*, and parish of *Darfield*, in the west riding of the county of *York*.

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42. An act for dividing and inclosing the open and common fields of *Hinckley*, in the county of *Leicester*.
43. An act for dividing and inclosing several open fields, commons, or wastes, and common meadow grounds, within the manor and soke of *Caton*, in the county of *York*.
44. An act for the inclosing and dividing divers parcels of commons and waste grounds, lying, and being in the several townships of *Walton on the Hill*, and *Fazakerley*, in the parish of *Walton on the Hill* aforesaid, and county palatine of *Lancaster*.
45. An act for inclosing and dividing the common fields, common meadows, lammas grounds, and other common and waste lands, in the manor and parish of *Aspley Guise*, in the county of *Bedford*.
46. An act for dividing and inclosing the common fields, common meadows, and other commonable lands and grounds, in the parish of *Coddington*, in the county of *Nottingham*.
47. An act for dividing and inclosing the common fields, common pastures, common meadows, and common grounds, in the parish of *Blakeley*, in the county of *Northampton*, exclusive of the hamlet of *Wood End*, in the said parish.
48. An act for dividing and inclosing certain lands, in the parish of *Clifton*, in the county of *Nottingham*.
49. An act for dividing and inclosing the common fields, meadows, pastures, and waste grounds, in the parish of *Frisby upon the Wreak*, in the county of *Leicester*.
50. An act for dividing and allotting the common and waste grounds, open arable fields, meadows, and pastures, in the township and parish of *Misson*, in the counties of *Nottingham* and *Lincoln*, or one of them.
51. An act for dividing and inclosing the open fields and grounds, in the manor and parish of *Fletton*, in the county of *Huntingdon*.
52. An act for vesting the inheritance of the rectory and tithes of *Bedgeworth*, granted, by King *Henry* the Eighth, to the late dissolved corporation of *Bergavenny*, and by them leased to *Jesus College*, in *Oxford*, towards maintaining a fellow and scholars, from *Bergavenny School*, and for vesting other rectories and tithes, in the county of of *Monmouth*, granted, by the said King *Henry*, to the said corporation, in trustees, for supporting the said school, and for relief of the poor of the said town.
53. An act for vesting certain estates, in *Pensilvania*, *New Jersey*, and *Maryland*, belonging to the proprietors of a partnership, commonly called, *The Pensilvania Land Company* in London, in trustees, to be sold, and for other purposes therein mentioned.
54. An act to empower the most noble *William*, duke of *Devonshire*, to make leases, for any term not exceeding ninety nine years, of certain estates, lying in the parish of *Saint James, Westminster*, in the county of *Middlesex*, devised to him by the will of the right honourable *Dorothy*, countess of *Burlington*, deceased.
55. An act to enable *John* earl of *Hopetoun*, curator of law to *George Vanden Bempde*, marquis of *Annandale*, his uncle, a lunatick, and the curator of law of the said marquis for the time being, to grant feus of certain lands, houses, and others, in the county of *Dumfries*, and to exchange the lands therein mentioned.
56. An act for vesting several lands and tenements, in the parish of *Chislehurst*, in the county of *Kent*, given to charitable uses, for the benefit

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- benefit of the said parish, in the right honourable *Robert Bertie*, esquire, commonly called lord *Robert Bertie*, and his heirs, and for making provision of greater value, instead thereof, for the benefit of the poor of the said parish, and for other purposes therein mentioned.
57. An act to empower *John Spencer*, esquire, to make leases of the manor of *Wimbledon*, and of lands and grounds in *Wimbledon*, *Barnes*, *Mortlake*, *East Sheen*, *Putney*, and *Wandsworth*, in the county of *Surrey*, given and devised by, and purchased in pursuance of, the will of the most noble *Sarah*, late duchess dowager of *Marlborough*, respectively, in order for building upon, and improving, the same.
58. An act for sale of part of the settled estate of *Sir Matthew Featherston* baronet, in the county of *Essex*, and for laying out the money, arising by such sale, in the purchase of other lands and hereditaments, to be settled in lieu thereof.
59. An act to enable *George Keith*, late earl marischall, to sue, or maintain, any action or suit, notwithstanding his attainder, and to remove any disability in him by reason of his said attainder, to take, or inherit, any real or personal estate, that may, or shall hereafter, descend or come to him, or which he was intitled unto, in reversion, or remainder, before his attainder.
60. An act for vesting certain tenements and hereditaments, in the county of *Sussex*, settled by *John Meres Fagge* esquire, upon the marriage of *Elizabeth*, his daughter, with *Sir John Peathy*, baronet, in trustees, to convey the same to *Sir William Peere Williams* baronet, and for settling lands and hereditaments, in the county of *Kent*, of greater value, in lieu thereof.
61. An act for sale of part of the entailed estate of the late *Francis Charteris* esquire, and for purchasing of other lands, to be settled to the same uses.
62. An act for sale of the real estate of *Thomas Beynon* esquire, a lunatic, for discharging the incumbrances affecting the same, and for laying out the residue of the money, arising by such sale, in the purchase of other lands and hereditaments, for the benefit of the said *Thomas Beynon*, and his heirs.
63. An act for exchanging certain messuages, lands, and hereditaments, in the parishes of *Beckingham* and *Lewisham*, in the county of *Kent*, part of the estate late of *Hugh Raymond* esquire, deceased, for other lands and hereditaments, in the said parish of *Beckingham*, belonging to *John Cator* the younger, and for settling the lands, so taken in exchange, to the same uses, as the lands given in exchange stand limited, and for enabling *Jones Raymond* and *Peter Burrill* esquires, to grant building leases of other parts of the estate, late of the said *Hugh Raymond*.
64. An act for selling certain manors, capital messuages, lands, and hereditaments, in the county of *Hertford*, comprised in a settlement made by *William Strode* esquire, deceased, and for purchasing, with the money arising by such sale, other lands and hereditaments, to be settled to the like uses.
65. An act for settling the real estate of *James Thomas* esquire, deceased, pursuant to an agreement between his heir at law and devisee, for that purpose.
66. An act to enable the dean and chapter of the collegiate church of *Saint Peter*, at *Westminster*, and their successors, to make and grant

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- unto *James Mallors*, a lease or leases, of certain pieces of ground, messuages, tenements, and hereditaments, comprized within certain limits, for a longer term of years than they are at present enabled to grant.
57. An act to empower *John Wall*, the grandfather, and *Mary Wall*, the guardian, of *Anna Maria Wall*, an infant, to execute articles, leases, or grants, for giving liberty to drive a sough through an estate, called *Cowley Estate*, in the parishes of *Darley* and *Youlgreave*, in the county of *Derby*, descended to, and now vested in, the said *Anna Maria Wall*.
58. An act to enable *William Ruffel* esquire, and his issue, to take and use the surname of *Kempe* only, pursuant to the will of *William Kempe* esquire, deceased.
-
- Anno 1 Georgii III.*
- Cap. 1. For the support of his Majesty's household, and of the honour and dignity of the crown of *Great Britain*.
- Cap. 2. For granting an aid to his Majesty by a land tax to be raised in *Great Britain*, for the service of the year one thousand seven hundred and sixty one.
- Cap. 3. For continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty one.
- Cap. 4. To continue for a limited time the importation of salted beef, pork, and butter, from *Ireland*.
- Cap. 5. To enable his Majesty to be governor of the *South Sea Company*.
- Cap. 6. For punishing mutiny and desertion; and for the better payment of the army and their quarters.
- Cap. 7. For granting to his Majesty an additional duty upon strong beer: and ale; and for raising the sum of twelve millions, by way of annuities and a lottery, to be charged on the said duty; and for further encouraging the exportation of strong beer and ale.
- Cap. 8. For the regulation of his Majesty's marine forces while on shore.
- Cap. 9. To continue an act made in the sixth year of the reign of his late majesty King *George* the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*.
- Cap. 10. For extending an act, intituled, *An act to discontinue, for a limited time, the duties payable on tallow imported from Ireland, to hogs-lard and grease*.
- Cap. 11. To enable his Majesty to make leases, and copies of offices, lands, and hereditaments, parcel of his dutchy of *Cornwall*, or annexed to the same; and for other purposes therein mentioned.
- Cap. 12. To indemnify persons who have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, officers of the militia, and others, who have omitted to register or to deliver in their qualifications within the time limited by law; and for giving further time for those purposes.
- Cap. 13. To amend an act passed in the eighteenth year of the reign of King *George* the Second, concerning the qualification of justices of the peace; and for other purposes therein mentioned.
- Cap. 14. To extend the provisions relating to the holding of courts-martial, and to the punishment of offences committed in the *East Indies*, contained in the act made in the twenty seventh year of his late Majesty's reign, intituled, *An act for punishing mutiny and desertion of officers and soldiers in the service of the united company of merchants* of

A TABLE of the STATUTES.

of England trading to the East Indies, and for the punishment of offences committed in the East Indies, or at the island of Saint Helena, to the said company's settlement of Fort Marlborough, and to such other principal settlements, wherein the said company may be hereafter impowered to hold courts of judicature.

Cap. 15. To enable his Majesty to grant unto *George Keith*, late earl Marischall, a sum therein limited, out of the principal money and interest now remaining due to the public on account of the purchase money of certain parts of the forfeited estates of the said late earl.

Cap. 16. To continue the duties for encouragement of the coinage of money.

Cap. 17. For relief of insolvent debtors.

Cap. 18. For granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and sixty one.

Cap. 19. For enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for exempting any annuities or sums of money granted or to be granted to the royal family, from payment of taxes.

Cap. 20. For enabling his Majesty to raise a certain sum of money towards paying off and discharging the debts of the navy, and towards naval services, for the year one thousand seven hundred and sixty one; and for allowing further time for making affidavits of the execution of articles or contracts of clerks to attorneys or solicitors, and filing the cof.

Cap. 21. For the better preservation of the game in that part of *Great Britain* called *Scotland*; and for repealing part of an act passed in the twenty fourth year of the reign of his late Majesty, for the better preservation of the game in that part of *Great Britain* called *Scotland*.

Cap. 22. For applying the money granted in this session of parliament towards defraying the charge of the pay of the militia of that part of *Great Britain* called *England* when unembodied, and of the cloathing of the part of the said militia now unembodied, for one year, beginning the twenty fifth day of *March*, one thousand seven hundred and sixty one.

Cap. 23. For rendering more effectual the provisions in an act made in the twelfth and thirteenth years of the reign of his late majesty King *William the Third*, (intituled, *An act for the further limitation of the crown, and better securing the rights and liberties of the subject*) relating to the commissions and salaries of judges.

Cap. 24. For repairing and widening several roads leading to and through the towns of *Weymouth* and *Melcombe Regis*, and *Dorchester*, in the county of *Dorset*.

Cap. 25. For repairing and widening the road from the east end of *West Tophouse Lane*, to the borough of *Liskeard*, and from thence to *Coomb Row House*; and also the road from the said borough of *Liskeard*, to *Crafthole*, and from thence to *Crimble Passage* and *Tar Point*, and from *Crafthole* aforesaid, to *Saint German's Beacon*, in the counties of *Cornwall* and *Devon*.

Cap. 26. For making, widening, and repairing, a road from the north east side of the *Goswell Street* road, next *Islington*, in the county of *Middlesex*, and near to the road called the *New Road*, over the fields, and

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- and grounds to *Old Street Road*, opposite to the *Doghuse-bar*; and at and from the *Doghuse-bar*, to the end of *Chiswell Street*, by the *Artillery Ground*.
- Cap. 27. For repairing and widening the road leading from the eastern end of the borough of *Grampound*, in the county of *Cornwall*, through the towns of *Saint Austell* and *Loftwithiel*, and from thence to the east end of the *Western Taphouse Lane*, in the said county.
- Cap. 28. For enlightening the streets within the city of *Exeter*, and suburbs thereof.
- Cap. 29. For repairing and widening the roads from *Dyed Way*, to *Somerton*; and from *Gawbridge*, to *Tintinbull Fords*; and from a stream of water called *Ford*, to *Cartgate*, in *Martock*, in the county of *Somerset*.
- Cap. 30. For continuing and amending an act made in the sixteenth year of his late Majesty's reign, for repairing the highways from the city of *Gloucester*, to the top of *Birdlip Hill*; and from the foot of the said hill, to the top of *Crickley Hill*.
- Cap. 31. To explain and amend so much of an act passed in the thirty second year of the reign of his late Majesty intituled, *An act to explain, amend, and render more effectual, the powers granted by several acts of parliament for repairing several roads leading to the city of Bath*; and for amending several other roads near the said city; as directs the laying out a new road from the *Bridge at Bath* to *Rush Hill*.
- Cap. 32. For amending and widening the road leading from the town of *Falmouth*, in the county of *Cornwall*, through the towns of *Penryn*, *Helston*, and *Marazion*, and from thence to and over *Marazion river* and bridge, and two hundred feet to the westward of the said river and bridge.
- Cap. 33. To amend and render more effectual an act passed in the thirty first year of the reign of his late majesty King *George the Second*, intituled, *An act for repairing the road from Leeds to Sheffield*, in the county of *York*.
- Cap. 34. For repairing and widening the road from *Traveller's Rest*, in the parish of *Abburton*, to *Newton Busbel*, and from thence to *Forthes* otherwise *Forgets Cross*, in the parish of *Higbweek*, in the county of *Devon*.
- Cap. 35. For amending the road from *Sacred Gate*, in the parish of *Thorngumbald*, to *Pattrington Creek*, or *Haven*; and from the *Guide Post* in *Winstead*, to *Frodingham Gate*, in or near widow *Branton's* farm, in the county of *York*; and for scouring and cleansing the said creek or haven.
- Cap. 36. For discontinuing the use of a road, in the parish of *Great Packington*, in the county of *Warwick*; and for preventing the trustees, appointed to put in execution an act passed in the thirty third year of his late Majesty's reign, for repairing the road from *Stone Bridge* to *Castle Bromwich*, from erecting a gate or turnpike between *Stone Bridge* and the place where the road turns off to *Colehill* in the county of *Warwick*.
- Cap. 37. For amending, widening, and keeping in repair, the road leading from *Fisherton Bridge*, to the turnpike road at *Willoughby Hedge* in *West Knoyle*, and from *Wilton Bridge* to the turnpike road at the west end of *Heytesbury*; and also the road from the turnpike road at the top of *Red Hone Hill*, in the parish of *Urbiscent*, to the mile-stone at the western end of *Fisherton Street*, in the county of *Wilts*.
- Cap. 38. For repairing the parish church of *Croydon* in the county of *Surrey*.

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Cap. 39. For amending and widening the road from the town of *Stone* to *Wordsley Green Gate*; and from the west end of *Bilston Street* in *Wolverhampton*, to the *High Street* opposite the *Old Bush* in *Dudley*; and from a place called *Burnt Tree*, near *Dudley*, to *Birmingham*; and from the market cros in *Wolverhampton*, to *Cannock*, in the counties of *Stafford*, *Worcester*, and *Warwick*.

Cap. 40. For rendering more effectual several acts passed in the tenth year of her late majesty *Queen Anne*, in the eleventh year of his late majesty *King George the First*, and in the eleventh year of his late majesty *King George the Second*, for enlarging, amending, and maintaining, the road from *Dartford* to *Northfleet* and *Gravesend*, and from *Gravesend* to *Chalk*, and from *Northfleet* to *Chalk*, and from thence to the stone end near the parish church of *Strood*, in the count of *Kent*.

Cap. 41. For amending and widening the roads from the turnpike road upon *Gatherley Moor*, in the county of *York*, to *Staindrop*, in the county of *Durham*; and from the said turnpike road, near *Smallways*, across the river *Tees*, to *Winston*, in the said county of *Durham*; and for building a bridge over the said river at or near *Winston* ford.

Cap. 42. For repairing and amending the road leading from *Whitcress*, in the parish of *Leven* in *Holderness*, in the east riding of the county of *York*, to the town of *Beverley*, in the said county.

Cap. 43. For repairing and widening the road from the borough of *Appleby*, in the county of *Westmorland*, through the township of *Orton*, to *Kirby Kendall*; and from *Orton*, to the turnpike road near *Shapp*, and from *Highgate* near *Tebay*, in a part of the highway between *Appleby*

and *Kirby Kendall*, through the town of *Kirby Steven*, to the town of *Market Brough*, in the said county.

Cap. 44. For continuing so much of an act passed in the thirteenth year of *King George the Second*, intituled, *An act for making more effectual two acts of parliament passed in the seventh and tenth years of her late majesty Queen Anne*, for preserving and enlarging the harbour of *Whitehaven*, in the county of *Cumberland*, and for repairing and amending the high roads leading to the said harbour and town of *Whitehaven*, as relates to the preserving and enlarging of the said harbour.

Private Acts.

1. An act for naturalizing *John Doblignon*, *Peter Thellusson*, *Peter Anthony Planche*, and *Christian Poppe*.
2. An act for naturalizing *Rose Marie Heath*, wife of *Benjamin Heath* esquire.
3. An act to enable *Charles Molloy* an infant lately called (*Charles Cooke*) and the heirs of his body, to take and use the surname and arms of *Molloy*, pursuant to the will of *Sir Charles Molloy* knight, deceased.
4. An act for the dividing and inclosing the open arable lands, and the open, meadow, pasture, and waste grounds, in the parish of *Rearsty*, in the county of *Leicester*.
5. An act for dividing and inclosing the common fields, common or waste ground, and other commonable places, in the parish of *Hinton*, otherwise *Hinton Walriss*, in the county of *Berks*.
6. An act for dividing and inclosing the open and common fields of *Asfordby*, in the county of *Leicester*.
7. An act for dividing and inclosing certain common fields, and common meadows, and a common hill called *Snowsbill Hill*, lying within the

A TABLE of the STATUTES.

- the manor of *Snowhill*, in the county of *Gloucester*.
8. An act for dividing and inclosing the open and common fields, common meadows, common pastures, common grounds, and commonable lands, within the parish, township, and liberties, of *Morton Pinkney*, in the county of *Northampton*.
 9. An act for dividing and inclosing the common fields, commons, and waste grounds, lying in the parish and within the precincts of the manor of *Langton Herring*, in the county of *Dorset*.
 10. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, grange lands, and waste grounds, of, and in, the manor and parish of *Eydon*, in the county of *Northampton*.
 11. An act for the dividing and inclosing the open and common fields, in the hamlet of *Paulton*, in the parish of *Monks Kirby*, in the county of *Warwick*.
 12. An act for vesting part of the settled estates of the right honourable *William* earl of *Dartmouth*, and *Frances Katherine* countess of *Dartmouth*, his wife, in the city of *London*, and county of *Middlesex*, in trustees, to be sold, and for laying out the money to arise thereby in the purchase of other lands and hereditaments, to be settled to the same uses, as the said settled estates now stand limited.
 13. An act for vesting part of the settled estate of *William Thornton* esquire, in the county of *York*, in him, in fee simple, discharged of the uses of his marriage settlement; and for settling other lands, of greater value, to the same uses.
 14. An act to enable *Capel Hanbury* esquire, and *George Hanbury* esquire, for themselves and their respective issue male, to make an exchange of their settled estates, in the county of *Monmouth*, and for other purposes therein mentioned.
 15. An act for rendering effectual an agreement, for making a partition of several lands, tenements, and hereditaments, in the county of *Leicester*, late the estates of *James Sherard* doctor of physick, and *Robert Freeman* gentleman deceased, and for other purposes therein mentioned.
 16. An act for enabling the acting trustees, and executors of *William Lemon* esquire deceased, to make leases, for lives, or years determinable on deaths, of the estates, in the county of *Cornwall*, devised by his will, or purchased in pursuance thereof, respectively, during the minority of his grandsons, and nephews, intituled to the same, for the time being, and for enabling the said grandsons, and nephews, when of age, and the said trustees, during their infancy, respectively, to make, and grant, setts and leases of mines, according to the custom of the county.
 17. An act for confirming and establishing an exchange of lands, agreed to be made, between *Charles Tudway* esquire, and the archdeacon of *Wells*, in the county of *Somerset*.
 18. An act to enable the rector of the parish, and parish church, of *Saint Mary Newington Butts*, in the county of *Surrey*, and his successors, to grant a lease or leases, of certain glebe lands, belonging to the said rectory.
 19. An act for naturalizing *Frederick Rajch*, and *John Roger Siebel*.
 20. An act for naturalizing *Jan Turner*, and *August Gottlieb Pieschel*.
 21. An act for naturalizing *Constantia Humpden*, wife of *Robert Humpden*, esquire.
 22. An act for naturalizing *Benjamin Maisenneuve*.
 23. An

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23. An act for naturalizing *Nicholas Theaud*.
24. An act for naturalizing *Simon Baratty*.
25. An act for naturalizing *Anthony Villion*.
26. An act for dividing and inclosing the common fields, common pastures, common meadows, common grounds, waste grounds, and commonable lands, in the manor and parish of *Wappenham*, in the county of *Northampton*, exclusive of the hamlet of *Astwell* and *Faulcut*, in the said parish.
27. An act for dividing and inclosing the open and common fields, pastures, meadows, and other grounds, within the parish of *Exhall*, in the county of the city *Coventry*.
28. An act for dividing and inclosing the common fields, common pastures, waste grounds, and commonable lands, in the parish of *Ryton*, otherwise *Ruyton upon Dunsmore*, in the county of *Warwick*.
29. An act for dividing and inclosing an open common, within the manor and parish of *Morresty*, in the county of *Cumberland*.
30. An act for dividing and inclosing the open and common fields, common meadows, common grounds, and waste ground, within *Wardington Williamscott*, otherwise *Willscot*, and *Coton*, otherwise *Cotes*, in the county of *Oxford*.
31. An act for confirming and establishing articles of agreement, for dividing and inclosing several commons, common heaths, and waste grounds, in the adjoining manors of *East Lulworth*, and *Combe Keynes*, in the county of *Dorset*.
32. An act for dividing and inclosing certain open and common grounds, called *Norham Infields*, and the common or waste, called *Norham Moor*, within the township of *Norham*, in the county of *Durham*.
33. An act for dividing and inclosing the common and open fields of *Ausly*, in the county of *Leicester*.
34. An act for dividing and inclosing the open and common fields of *Abkettleby*, in the county of *Leicester*, and all the lands and grounds within the same fields.
35. An act for dividing and inclosing certain open and common fields, in the parish of *Fringsford*, otherwise *Ferringsford*, in the county of *Oxford*.
36. An act for dividing, inclosing, and allotting, the moors, commons, and waste grounds, called *Pool Common*, in the manors of *Lanverchidol*, and *Strat Marcel*, otherwise *Street Marshall*, in the parishes of *Pool* and *Guilfield*, in the county of *Montgomery*.
37. An act for confirming and establishing articles of agreement, for dividing and inclosing certain open and common fields, in *Burton Pidsea*, in *Holderness*, in the county of *York*.
38. An act for confirming articles of agreement, for inclosing common or waste ground, within the manor or lordship of *Hestington*, in the county of *York*.
39. An act to enable *John* earl of *Sandwich*, *Welbore Ellis* esquire, and *Robert Nugent* esquire, to take in *Great Britain* the oath of office, as vice treasurer and receiver general, and paymaster general of all his Majesty's revenues, in the kingdom of *Ireland*; and to enable *William* earl of *Harrington* to take, in *Great Britain*, the oath of office as customer and collector of the ports of *Dublin*, *Skerrys*, *Malabide*, and *Wicklow*, in the said kingdom; and to enable *Richard Rigby* esquire, to take, in *Great Britain*, the oath of office, as keeper and master of the rolls of the court of *Chancery*, in the said kingdom, and clerk, keeper, or master of the rolls, books,

A TABLE of the STATUTES.

books, writs and records, of the said court; and to qualify themselves for the enjoyment of the said respective offices.

40. An act for vesting part of the settled estate of *Frederick viscount Bolingbroke*, in the county of *Kent*, in trustees, to be sold, and for settling an estate, in the county of *Surrey*, of greater value, in lieu thereof, and for empowering him to sell other part of the said *Kentish* estate, for the purposes therein mentioned.

41. An act for selling divers lands and hereditaments, in *London*, *Middlesex*, *Surrey*, *Berkshire*, and *Northamptonshire*, devised by the wills of *Bartholomew Clarke* and *Hitch Younge* esquires; and for laying out the money, arising by such sale, in the purchase of other lands and hereditaments, to be settled in lieu thereof, to the uses of the said wills respectively.

42. An act for vesting the plantation and estate of *John Walter* esquire, and *Newton* his wife (late *Newton Walker* spinster) in the island of *Barbadoes*, in trustees, for raising money to be applied in purchasing of stock, and for other purposes for the improvement of the same plantation and estate.

43. An act for selling divers lands and hereditaments, in the city of *London*, and in the counties of *Middlesex*, *Kent*, *Buckingham*, and *Somerset*, devised by the will of Sir *William Dodwell* knight, deceased,

and purchased in pursuance thereof respectively; and for laying out the money arising by such sale, in purchasing other lands and hereditaments, in or near the county of *Gloucester*, to be settled, in lieu thereof, to the uses of the said will.

44. An act for vesting the settled estate of *John Williams* esquire, in the county of *Essex*, in trustees, to be sold for raising money to discharge incumbrances, and laying out the surplus in the purchase of lands and hereditaments, to be settled to the uses limited of the said settled estate.

45. An act for selling a messuage and lands, in *Whaddon*, in the county of *Bucks*, settled by the late *Brown Willis* esquire, on the marriage of his son; and for purchasing another estate in lieu thereof, to be settled to the same uses.

46. An act for vesting and settling the real and personal estate of *John Morse*, late citizen and goldsmith of *London*, deceased, for the benefit of the several persons intitled under his will; and for the better answering and effecting the intents and purposes of the same will.

47. An act for divesting, out of the crown, the remainder in fee of several lands in *Ireland*, late the estate of *Martin Dillon* esquire; and for vesting the same in *Carleton White-locke*, of the city of *Dublin* esquire, and his heirs, in trust for *Henry Mitchell*, of the said city of *Dublin* esquire, his heirs and assigns.

A TABLE of all the STATUTES, contained in the APPENDIX.

Anno 2 Hen. 5.

DE unione jurium & possessionum comitatus *Hereford Ducatus Lanc. Pca.*

Anno 1 Ed. 4.

Conviccio quor'dam d'nor' et alior' auctoritate parliamenti. De *Lancastria* duche.

Anno 1 Hen. 7.

Actus concernens *Annex' Ducat' Lanc' Cornub' et al'.*

Anno 4 Hen. 7.

The Penalty for decaying of houses of husbandry, or not laying of convenient land for the maintenance of the same.

Anno 31 Hen. 8.

Cap. 14. An Act for abolishing of diversitie of opinions in certaine articles concerning christian Religion.

Anno 32 Hen. 8.

Cap. 24. An Act concerning the lands and goods of the hospitals of *S. Johns of Jerusalem, in England and Ireland*, to be heereafter in the Kings hands and disposition.

Anno 1 Ed. 6.

Cap. 3. An Act for the punishing of Vagabonds, and for the reliefe of the poore and impotent persons.

Anno 3 & 4 Ed. 6.

Cap. 16. An Act touching the punishment of Vagabonds and other idle Persons.

Anno 13 Eliz.

Cap. 18. An Act for the bringing of the River of Lee to the north side of the cite of *London*.

Anno 39 Eliz.

Cap. 3. An Act for the reliefe of the poore.

Cap. 4. An Act for punishment of rogues, vagabonds, and sturdie beggers.

Anno 13 Car. 2 St. 1.

An Act for ascertyning and establishing the fees of the masters of the chancery in ordinary.

Anno 4 Gul. & Mar.

Cap. 1. An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against *France*.

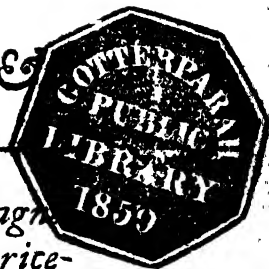
Anno 6 Gul. & Mar.

Cap. 6. An Act for granting to his Majesty certain rates and duties upon marriages, births, and burials, and upon batchelors and widowers, for the term of five years, for carrying on the war against *France* with Vigour.

The END of the TABLE.

T H E

S T A T U T E S at Large, &



*Anno Regni GEORGII II. Regis Magnæ
Britanniæ, Franciæ, & Hiberniæ, trice-
simo tertio.*

AT the parliament begun and holden at West-
minster, the thirty first day of May, Anno
Domini one thousand seven hundred and fifty four,
in the twenty seventh year of the reign of our sove-
reign Lord GEORGE the Second, by the grace of
GOD, of Great Britain, France, and Ireland,
King, defender of the faith, &c. And from thence
continued by several prorogations to the thirteenth
day of November, one thousand seven hundred and
fifty nine, being the seventh session of this present par-
liament.

C A P. I.

An act for granting an aid to his Majesty by a land tax to be raised in
Great Britain, for the service of the year one thousand seven hundred
and sixty. 4s. in the pound.

C A P. II.

*An act to enable his Majesty's lieutenants of the several coun-
ties, ridings, or places, in that part of Great Britain cal-
led England, to proceed in the execution of the laws re-
lating to the militia, notwithstanding any suspension of the
same; and for other purposes relating to the said laws.*

WHEREAS several of his Majesty's lieutenants of several Preamble.
counties, ridings, or places, within that part of Great Bri-
tain called England, in pursuance of the power vested in them by
an act made in the thirty first year of the reign of his present Maje-
sty, for explaining, amending, and enforcing, an act made in the then
last session of parliament, for the better ordering the militia forces in
that part of Great Britain called England, have suspended all farther
proceedings in the execution of the said acts, until the next year; and
others of the said lieutenants, until March and April, one thousand
seven hundred and sixty; so that no proceedings can be had till the
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Where a sufficient number of qualified persons, willing to accept commissions, have not been found within any county, &c.

the lieutenant is to summon a meeting, within one month after passing of this act, of all persons qualified and willing to serve as officers, to deliver in their names; and is to proceed in the further execution of the laws relating to the militia, as if there had been no suspension thereof; and meetings for the said purposes are to be summoned monthly, till a sufficient number shall offer themselves, or until

The like method to be annually observed for carrying the said acts into execution, as is directed by act 31 Geo. 2. to be observed in the year 1758; except, That annually held on

said limited times are expired: and whereas the speedy carrying into execution the several provisions made by law, for the better ordering the militia forces of that part of Great Britain called England, is most essentially necessary, at this juncture, to the peace and security of this kingdom: therefore be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in parliament assembled, That from and after the passing of this act, his Majesty's lieutenant of any county, riding, or place, where a sufficient number of persons have not been found qualified and willing to accept commissions of field officers and captains respectively, as were equal to the number requisite for any one battalion of the militia within such county, riding, or place, shall, and they are hereby required, within one month after the passing of this act, to summon a meeting, at some certain place within such county, riding, or place, of all persons qualified and willing to serve as officers in the militia of such county, riding, or place, in order that every person so qualified, and willing to accept any such commission, may, at such meeting, deliver his name in writing, or cause it to be delivered to his Majesty's said lieutenant, or, in case of his absence, to such person as shall be authorized by such lieutenant to receive the same, specifying also the rank in which he is willing to serve; and his Majesty's said lieutenant shall proceed thereupon, and also in the further execution of the provisions of the said acts, in like manner, and to all intents and purposes (except as is herein after excepted) as if such proceedings had not been suspended as aforesaid, and as he and they respectively ought to have done, in case a sufficient number of persons so qualified and willing to serve aforesaid had been found in the year one thousand seven hundred and fifty eight: and in every county, riding, or place, where a sufficient number of officers shall not be found at the first meeting held in pursuance of this act, the lieutenants of such county, riding, or place, shall summon a meeting within such county, riding, or place, for the same purpose, once in every succeeding month, until a sufficient number of officers qualified and willing to serve as aforesaid, have been found; or until the expiration of the act for the better ordering the militia forces in that part of *Great Britain* called *England*.

the expiration of the militia laws.

II. And be it further enacted, That the like method shall be annually observed during the continuance of the said acts, for carrying the same into execution, as is directed in and by the said act of the thirty first year of his present Majesty's reign to be observed in the year one thousand seven hundred and fifty eight; save and except, That the first general meeting of the lieutenant and deputy lieutenants thereby directed to be held on the third *Tuesday* in *August*, shall, from and after the twenty fifth day of *December*, one thousand seven hundred and fifty nine, be annually held on the second *Tuesday* in *January*.

the first general meeting of lieutenants and deputy lieutenants shall be annually held on the 2d *Tuesday* in *January*.

III. And

III. And be it enacted by the authority aforesaid, That notice of all such meetings shall be given by the Lieutenant of every such county, riding, or place, in the London Gazette, and also in some one or more of the weekly papers (if any such there be) usually circulated within such county, riding, or place, at least six days before the day appointed for such meeting.

CAP. III.

An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty.

CAP. IV.

An act to continue, for a further time, the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from meal, flour, or bran.

WHEREAS the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from meal, flour, or bran, is near expiring, and it is expedient the same should be continued; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirtieth year of his Majesty's reign, intituled, *An act to prohibit, for a limited time, the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from any meal or flour, which by several subsequent acts was continued until the twenty fourth day of December, one thousand seven hundred and fifty nine; and also so much of an act made in the last session of parliament, intituled, An act to continue, for a further time, the prohibition of the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and also to continue, for a further time, the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from meal or flour; and to prohibit, for a limited time, the making of low wines and spirits from bran, as prohibits the making of low wines and spirits from bran; which was to continue until the twenty fourth day of December, one thousand seven hundred and fifty nine, shall be, and the same are hereby continued from the expiration thereof, until the twenty fourth day of December, one thousand seven hundred and sixty; unless such continuation of the said acts, or of any parts thereof, shall be abridged or shortened by any other act to be made in this present session of parliament.*

Preamble.

Act 30 Geo. 2.

and act 32 Geo. 2.

further continued to 24 Dec. 1760, unless the continuation thereof be shortened by any other act of this session.

CAP. V.

An act to continue, for a limited time, the importation of salted beef, pork, and butter, from Ireland.

WHEREAS the permitting the importation of salted beef, pork, and butter, from Ireland into this kingdom, hath been found useful and beneficial, and that the time allowed for that purpose

Preamble.

Act 32 Geo. 2.
further conti-
nued to 24
Dec. 1760.

pose is near expiring, and it is expedient that the same should be prolonged; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the last session of parliament, intituled, An act to continue, for a limited time, an act made in the last session of parliament, intituled, An act to permit the importation of salted beef, pork, and butter, from Ireland, for a limited time, and to amend the said act, which was to continue in force until the twenty fourth day of December, one thousand seven hundred and fifty nine, shall be, and the same is hereby further continued from the expiration thereof, until the twenty fourth day of December, one thousand seven hundred and sixty.

C A P. VI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

C A P. VII.

An act for granting to his Majesty several duties upon malt; and for raising the sum of eight millions by way of annuities and a lottery, to be charged on the said duties; and to prevent the fraudulent obtaining of allowances in the gauging of corn making into malt; and for making forth duplicates of exchequer bills, tickets, certificates, receipts, annuity orders, and other orders, lost, burnt, or otherwise destroyed.

Preamble. The following duties to take place from and after 8 Feb. next, viz. Malt made in England to pay 3d. per bushel, over and above all other duties payable thereon. Malt made in Scotland, and also malt brought from Scotland into England, to pay 1d. 2q. per bushel, over and above all other duties payable thereon. The duties to be ascertained, paid, &c. in all respects, where not otherwise provided for, as is enacted with respect to malt tax, &c. of this present session. Malt in hand on 8 February 1760, whether ground or unground, to pay 3d. per bushel in England; and 1d. 2q. in Scotland; to be paid by the possessors, over and above all other duties payable thereon. The duties upon stock in hand on 8 February 1760, to be under the receipt and management of the commissioners and officers of excise. Commissioners empowered to appoint proper officers for the purpose. Account of stock in hand to be returned by the proprietors to the next office of excise, on 8 February, or within 10 days after, on penalty of 50l. and forfeiture of the malt unreturned: Duties to be paid within a month after, on forfeiture of double the sum. Officers of excise to take an account of the said stock in hand, and free access and entrance, &c. to be allowed them for that purpose, on penalty of 20l. Penalty of clandestinely removing or concealing stock in hand, before duty paid, 20l. and the malt so removed or concealed; and the person, in whose custody the same shall be found, not giving due notice before the discovery, to forfeit also 20s. per bushel. The powers, &c. in act 12 Car. 2. and other laws relating to the excise, extended to the duties on stock in hand on 8 February 1760. Exception. Penalties, in relation to the duties on stock in hand, to be recovered or mitigated as is prescribed with respect to other duties of excise; and to go, one moiety to the crown, and the other to the informer or prosecutor. Like drawback and allowance to be made of the duties paid for stock in hand on 8 February, in case any part of the same shall happen to be destroyed or damaged, as is authorized to be made in the like cases by act 9 Geo. 1. Gauge of the bushel, for measuring stock in hand, to be the same as is appointed by act 12 Annæ. Malt brought from Scotland into England, after 8 February 1760 to be entered with the proper officers, in like manner, and under the like penalties, as is pre-
scribed

1760.]

Anno tricesimo tertio GEORGE II. c. 7.

scribed by the malt act of this session, and to pay 3 d. per bushel, unless a certificate be produced of its having paid 1d. 2q. duty in Scotland, in which case to pay only 1d. 2q. per bushel. No allowances, abatements, or additions, to be made to malsters, &c. in respect of the duties granted by this act, other than such as are allowed in the like cases by the malt act of this session. On demanding the bounties upon exportation, the duties to be deducted out of the valuation of the malt; and the bounty to be paid under the regulations, &c. prescribed by the malt act of this session. Malt contracted to be sold before 8 Feb. but not delivered, The buyer to pay the duty.* Malt made and entered for exportation only, according to the regulations prescribed by act 12 Geo. 1. &c. exempted from the duty payable by this act; but no drawback of the duties of this act to be allowed on the exportation. Where rents are payable in malt, or according to the price thereof, the tenant may deduct the duty. Malt in hand subject to duties in arrear, and penalties incurred. No part of these duties are liable, during the payment of any other malt duties, to any charges of collection or management, or to be applied towards encouraging the fisheries or manufactures in Scotland: exception. Separate accounts to be kept of these duties; and of the monies arising thereby into the exchequer. These duties appropriated for the payment of the annuities chargeable on the monies borrowed on the credit of this act. Contributors who have already made deposits of 15 l. per cent of the sums so subscribed by them, towards the purchase of annuities on the sum of 8,000,000 l. to be raised on the credit of this act, are to make their further payments, viz. 10 l. per cent. by 26 Feb. 10 l. per cent. by 25 March, 10 l. per cent. by 29 April, 10 l. per cent. by 31 May, 10 l. per cent. by 3 July, 15 l. per cent. by 14 August, 10 l. per cent. by 16 Sept. and the remaining 10 l. per cent. by 29 October. Contributors paying in the whole of the subscriptions on or before 16 Sept. to be allowed interest for the same, at the rate of 3 l. per cent. per ann. from the time of such payment, to 29 Oct. Annuities to carry 4 l. per cent. for 21 years; and after the expiration of that term, 3 l. per cent. The 4 l. per cent. annuities to take place 5 Jan. 1762. Annuities to be paid half-yearly; viz. on 5 July, and 5 Jan. Subscribers for every 100 l. subscribed, and for which a deposit of 15 l. per cent. has been made, are intitled to a lottery ticket; to carry 4 l. per cent. for 20 years, to commence 5 Jan. 1761; and after the expiration of that term, to carry 3 l. per cent. These annuities to be paid half yearly, viz. on 5 July, and 5 Jan. Annuities transferrable. Cashier of the bank to give receipts for the monies paid in; which are assignable at any time before 5 Jan. 1761. Cashier to give security; and to pay the monies into the exchequer. Cashier, on receipt of 15 l. per cent. of the sum subscribed, to give a note for the delivery of 1 lottery ticket for every 100 l. subscribed. Treasury to apply the monies to the services voted by the commons. Contributors names, &c. to be entered in the office of the accountant general of the bank. Duplicate thereof to be transmitted into the auditor's office by 5 July, 1762. The monies arising by the duties of this act appropriated to payment of the annuities. Contributors not making good their payments within the times limited, to forfeit their deposits. Accountant general to give credit for the sums named in the certificates; which may be transferred, and carry 4 l. per cent. interest for 21 years; and after the expiration of that term, 3 l. per cent. Managers and directors of the lottery to be appointed by the treasury. Method of the lottery books. Duplicates of the said tickets to be prepared in books with two columns, on each of which 40,000 tickets to be printed. Chance of the tickets in the books with two columns, to be determined by the drawing of the tickets in the books with 3 columns; and the same numbers in both intitled to equal chances. Managers to examine the books of tickets, and deliver them to the receivers; taking receipts for them. Receivers shall cut out, and deliver signed tickets to the contributors, who may also sign the same. Receivers to return the books with the remainder of the tickets. Tickets of the middle columns, to be rolled up, and fastened with silk; and cut off indentwise into a box marked with the letter (A.) Box to be locked up and sealed. Books to be prepared with 2 columns, on each of which

40,000 tickets to be printed. The number and value of the fortunate tickets. 500 l. to the first drawn ticket, and 1000 l. to the last drawn. Tickets of the outermost columns of the last mentioned book to be rolled up and tied, and cut out indentedwise, into a box marked with the letter (B) Box to be locked up and sealed. Publick notice to be given of times of putting the tickets into the boxes. Lottery to begin drawing on 17 Nov. 1760. Method to be observed in drawing, &c. After each day's drawing, the boxes to be locked up and sealed. Numbers of the fortunate tickets, and the sums to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates, felony. Managers to be sworn. The oath. Managers, &c. to be paid by the commissioners of the treasury out of the lottery money. Limitation of sale of chances, &c. Penalty. Persons selling shares in tickets of which they are not possessed, to forfeit 500 l. Offences committed in Ireland against acts for preventing unlawful lotteries, declared to be punishable, and may be sued for in Dublin. After the drawing of the lottery, the tickets to be exchanged for certificates. Managers to give notice of the time for taking in the tickets, and delivering out the certificates, &c. Books to be kept for entering persons names, and the number of their tickets, &c. Certificates to be signed, &c. Accountant general to give credit for the principal sums in the certificates. Assignments may be made of the said sums, &c. Certificates to be filed and cancelled, and notes to be given in lieu thereof. A chief cashier, and accountant general, to be appointed by the bank for paying the annuities. Treasury to issue money for that purpose to the said cashier, who is to account for the same. Accountant general to examine the receipts and payments of the cashier. Annuities deemed a personal estate, &c. Annuities deemed a joint stock; and made transferrable. Clause of redemption. Transfer books to be kept by the accountant general. Method of transferring stock. Annuities deviseable by will. Entry to be made of such clause in the will. Transfer not liable to stamp duties. Treasury to pay all incident charges attending the execution of this act; and to make an allowance to the cashier, and accountant general; to be at the disposal of the governor and company of the bank. Bank to continue a corporation till these annuities be redeemed, &c. No fee for payment of contribution money. Penalty. Exchequer tallies and orders made out in pursuance of an act of the last session for raising 1,000,000 l. thereon, may be received as cash in part of the deposits, or future payments, of the contribution monies subscribed on the credit of this act. Tallies to be thereupon cancelled, and the orders filed, as discharged. Officers indemnified for so doing. Tallies or orders which shall be in course of payment at the exchequer, not to be received in payment of the said contributions. Deficiencies of the exchequer, &c. how to be made good. Sinking fund to be replaced. Surplus monies how to be applied. Malster not suffering the grain in the cistern or uting-fat to be covered over with water, and remain there 40 hours, is not intitled to the usual allowance of 4 bushels in 20, in charging the duties by gauge. Where it shall appear by affidavit before the barons of the exchequer, that any exchequer bills, lottery tickets, &c. have been burnt, lost, or otherwise destroyed, the proper officers, upon the producing to them a certificate thereof from the barons, and security given them, are to make forth duplicates of the said bills, &c. and pay off the interest due thereon. Treasury empowered to sign the duplicates where necessary. General issue. Treble costs.

C A P. VIII.

An act for the regulation of his Majesty's marine forces while on shore.

CAP. IX.

An act for preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making low wines and spirits from wheat, barley, malt, or other grain, and from meal, flour, and bran; for encouraging the exportation of British made spirits; and for more effectually securing the duties payable upon spirits, and preventing the fraudulent relanding or importation thereof.

WHEREAS the high price of spirituous liquors hath been a principal cause of the diminution of the home consumption thereof, and hath thereby greatly contributed to the health, sobriety, and industry of the common people: and whereas it is therefore of the utmost importance to the publick welfare, that some timely provision should be made for preventing the return of all those mischiefs which must unavoidably ensue, in case such spirituous liquors should again be suffered to be sold at as low a rate as formerly: and so far as the most effectual and expedient method of continuing the high price of spirituous liquors, will be by laying a large additional duty on such spirituous liquors; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty first day of April, one thousand seven hundred and sixty, there shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors, throughout the kingdom of Great Britain, for the several kinds of spirituous liquors herein after mentioned, specified, and enumerated (over and above all duties, charges, and impositions, by any former act or acts of parliament thereupon respectively set, rated, and imposed) the several additional rates and duties of excise, herein after mentioned and expressed; that is to say,

Preamble.

The addition-
al duties fol-
lowing laid on
spirituous li-
quors, to take
place from
April, 1760.

For every gallon of low wines, or spirits of the first extraction, made or drawn from any sort of drink or wash, brewed or made from any sort of malt or corn, or from brewers wash or tilts, or any mixture with such brewers wash or tilts, to be paid by the distillers or makers thereof, five pence. The duties.

For every gallon of strong waters, or *aqua vitæ*, made for sale of the materials aforesaid, or any of them, to be paid by the distillers or makers thereof, one shilling and three pence.

For every gallon of low wines, or spirits of the first extraction, made or drawn from any foreign or imported materials, or any mixture therewith, to be paid by the distillers or makers thereof, one shilling and three pence.

For every gallon of spirits made or drawn from any foreign or imported materials, or any mixture therewith, to be paid by the distillers or makers thereof, eight pence.

For every gallon of low wines, or spirits of the first extraction, made or drawn from cyder, or any sort or kind of *British* materials, except those before mentioned, or any mixture therewith, to be paid by the distillers or makers thereof, six pence three farthings.

For every gallon of spirits made for sale from cyder or any sort or kind of *British* materials, except those before mentioned, to be paid by the distillers or makers thereof, one shilling and one penny three farthings.

For every gallon of single brandy spirits, or *aqua vitæ*, imported into *Great Britain* from beyond the seas, to be paid by the importer before landing, one shilling.

For every gallon of brandy spirits, or *aqua vitæ*, above proof, commonly called *Double Brandy*, imported into *Great Britain* from beyond the seas, to be paid by the importer before landing, two shillings.

The duties in England to be under the receipt and management of the commissioners and officers of excise there; and those in Scotland, under the commissioners and officers of excise there.

The monies arising thereby, to be paid into the exchequer at Westminster, separate from all other branches of the publick revenues.

The additional duties upon rum imported from the *British* plantations, to be paid in like manner as the former duties charged thereon.

II. And, for the better ascertaining, charging, collecting, raising, levying, and securing the rates and duties by this act imposed on the said spirituous liquors, and preventing frauds therein, be it further enacted by the authority aforesaid, That such of the said rates and duties by this act granted as are charged upon spirituous liquors made, extracted, and manufactured in, or imported into, *England, Wales*, or the town of *Berwick upon Tweed*, shall be under the receipt and management of the commissioners and officers of his Majesty's revenues of excise in *England* for the time being; and such of the said rates and duties as are imposed by this act upon spirituous liquors made, extracted, and manufactured in, or imported into *Scotland*, shall be under the receipt and management of the commissioners and officers of excise in *Scotland* for the time being; and the said respective commissioners of excise, or the major part of them, have hereby power, by commission under their respective hands and seals, to constitute and appoint under them such officers as shall be necessary in that behalf: and all monies arising by the said duties in *Great Britain*, or any part thereof (the necessary charges of raising and accounting for the same excepted) shall, from time to time, be paid into the receipt of his Majesty's exchequer at *Westminster*, distinctly and apart from all other branches of the publick revenues; and shall stand appropriated and be applied to the same uses and purposes respectively as the present duties on spirituous liquors are now applicable and appropriated unto.

III. Provided always, and be it enacted by the authority aforesaid, That the additional rate or duty hereby charged upon rum or spirits of the growth, produce, or manufacture, of the *British* sugar plantations, imported into this kingdom, shall be paid and payable in such manner only, and under such regulations and restrictions, as the rates and duties of excise heretofore charged on such rum or spirits as are now by law paid and payable.

IV. And

IV. *And whereas by an act made in this present session of parliament, it was enacted, That an act made in the thirtieth year of his present Majesty's reign, intituled, An act to prohibit, for a limited time, the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from any meal or flour; which by several subsequent acts, was continued until the twenty fourth day of December, one thousand seven hundred and fifty nine; and also so much of an act made in the last session of parliament, intituled, An act to continue, for a further time, the prohibition of the exportation of corn, malt, meal, flour, bread, biscuit, and starch; and also to continue, for a further time, the prohibition of the making of low wines and spirits from wheat, barley, malt, or any other sort of grain, or from meal or flour; and to prohibit for a limited time, the making of low wines and spirits from bran, as prohibits the making of low wines and spirits from bran; which was to continue until the twenty fourth day of December, one thousand seven hundred and fifty nine, should be, and the same were thereby, continued, from the expiration thereof, until the twenty fourth day of December, one thousand seven hundred and sixty, unless such continuation of the said acts, or of any parts thereof should, be abridged or shortened by any other act to be made in this present session of parliament; be it therefore enacted by the authority aforesaid, That* *from and after the twenty first day of April, one thousand seven hundred and sixty, the prohibition established and enacted by the said acts of making, extracting, or distilling, low wines and spirits from wheat, barley, malt, or any other sort of grain, and from meal, flour, or bran, or any mixture therewith, and all penalties, powers, and regulations, in the said acts, so far as the same could or might extend or operate with respect to the making of low wines and spirits from the materials aforesaid, after the said twenty first day of April, one thousand seven hundred and sixty, shall cease, and be no longer in force or effect, any thing in the said acts contained to the contrary notwithstanding.*

V. *Provided always, and be it further enacted by the authority aforesaid, That if at any time or times after the said twenty first day of April, one thousand seven hundred and sixty, during the recess of parliament, the price of wheat shall exceed forty eight shillings the quarter Winchester measure, for two successive market days, in the port of London, and it shall appear expedient to his Majesty, his heirs, or successors, to prohibit the making of low wines and spirits from wheat, barley, malt, and any other sort of grain, and from meal, flour, and bran, or any mixture therewith, it shall and may be lawful to and for his Majesty, his heirs, and successors, from time to time, by his or their royal proclamation or proclamations, to be issued by and with the advice of his or their privy council, or by his or their order in council, to be published in the London Gazette, from time to time, to prohibit the making, extracting, or distilling, of any kind of low wines or spirits from any wheat, barley, malt, and any other sort of grain, and from meal, flour, and bran, or any mixture therewith, for any time or times during*

The prohibition of extracting spirits from the materials mentioned in the recited acts, taken off; unless during the recess of parliament, the price of wheat shall exceed, for 2 successive market days, 48s. per quarter in the port of London; in which case, the King may, by proclamation, continue the prohibition.

Act 30 Geo. 2.

and 31 Geo. 2.

such recess, or until twenty days after the commencement of the then next session of parliament.

Act 6 Geo. 2.

The oath to be taken by the exporter, in order to intitle him to the drawback, instead of the oath appointed by the recited act.

An additional drawback of 24l. 10s. per ton allowed on all British made spirits exported: Oath being made of the payment of the duties, and a certificate produced of the quantities shipped; and of the same being proof spirits.

The same drawbacks and allowances to be made on spirits shipped as stores;

VI. *And whereas the oath appointed by an act of parliament made in the sixth year of his Majesty's reign, intituled, An act for repealing an act for laying a duty on compound waters or spirits; and for licensing the retailers thereof; and for determining certain duties on French brandy, and for granting other duties in lieu thereof; and for enforcing the laws for preventing the running of brandies, to be taken by the exporters of spirits drawn from corn in Great Britain, has prevented the exportation of such spirits after they have been rectified;* be it therefore enacted by the authority aforesaid, That from and after the said twenty first day of April one thousand seven hundred and sixty, upon the exportation of such rectified spirits, instead of the oath aforesaid, in order to intitle the exporter to the drawback, allowance, or bounty, on the exportation thereof, oath shall or may be made that the same were drawn or made in *Great Britain* from corn, without any mixture with any other materials, either native or foreign, except what has been necessary for the rectifying thereof; and that the duties of the said spirits have been duly paid; and that the said spirits are to be really and truly exported as merchandize to be spent beyond the seas.

VII. *And, for the further encouragement of the exportation of spirits drawn or made in Great Britain from the materials aforesaid, or any of them,* be it enacted by the authority aforesaid, That from and after the said twenty first day of April one thousand seven hundred and sixty, there shall be an additional drawback or allowance of twenty four pounds ten shillings for every ton of such spirits so drawn or made in *Great Britain*, which shall be exported to parts beyond the seas; and upon oath being made before any two or more of the commissioners of excise, or justices of the peace for the county or place from whence any such spirits are intended to be exported, that the duties of the same are duly paid, and that the same are to be exported for merchandize to be spent beyond the seas; and upon producing a certificate under the hand or hands of the officer or officers of excise for the port or place where such spirits were shipped, of the quantities so shipped, and that the same were proof spirits, and shipped in the presence of such officer or officers; the distiller or distillers, or other person or persons exporting the same, shall be allowed or paid back by the commissioners of excise, or their collector for the port or place where such spirits shall be shipped off, the said additional drawback or allowance of twenty four pounds ten shillings for every ton of such spirits so shipped off, and so in proportion for any greater or less quantity; and that the same drawbacks and allowances which are given by this or any former act or acts of parliament now in force on the exportation of *British* made spirits to parts beyond the seas, as merchandize, shall be allowed and paid to the distiller or distillers, merchant or merchants, on his, her, or their shipping any such spirits as stores to be spent and consumed on board in any voyage to parts beyond the seas: and

and when any distiller or distillers, merchant or merchants, shall be desirous of shipping any such spirits as stores as aforesaid, and shall give five days notice thereof to the respective commissioners of excise, or to such other person or persons as they shall respectively, from time to time, appoint for that purpose, mentioning in such notice the exact destination of the intended voyage, the tonnage of the ship or vessel, and the number of the mariners intended to be employed in navigating the same, it shall and may be lawful to and for the said respective commissioners of excise, or the person or persons so to be respectively appointed by them as aforesaid, to ascertain the quantity of such spirits which shall be shipped on board such ship or vessel as stores, and for which such drawbacks and allowances shall be paid, and also the size and marks of the cask or casks in which such spirits shall be so shipped; and on oath being made before any one or more of the commissioners of excise, or justices of the peace for the county or place from whence any such spirits are intended to be exported, or before such other person or persons as shall be respectively authorized by the respective commissioners of excise for that purpose, that the duties of the same are duly paid, and that the same are to be shipped as stores to be spent and consumed in the voyage; and upon producing a certificate under the hand or hands of the officer or officers of excise for the port or place where such spirits were shipped, of the quantity so shipped, and that the same were proof spirits, and shipped in the presence of such officer or officers; the distiller or distillers, merchant or merchants, shipping the same as aforesaid, shall be allowed or paid back by the commissioners of excise, or their collector for the port or place where such spirits shall be so shipped, the said drawbacks and allowances for such spirits so shipped as aforesaid.

giving previous notice thereof, and of the destination of the voyage, the ship's tonnage and hands; and the proper officer ascertaining the quantity, and the size and mark of the vessels; oath being also made that the duties were duly paid; and a certificate produced of the quantity shipped.

VIII. Provided always, That neither the said drawback or allowance, or any other drawback, allowance, or bounty, shall be made or be paid for any quantity of such spirits which shall be exported as merchandize in any cask which shall contain less than one hundred gallons; nor shall any such drawback or allowance whatsoever be made or paid for any quantity of spirits which shall be exported as merchandize, or shipped for stores as aforesaid, that shall be shipped on board of any vessel or vessels of less burden than one hundred tons.

No drawback allowed for any spirits exported as merchandize, in casks containing less than 100 gallons, nor shipped on board vessels under 100 tons burden. Exporter to give bond, and security in double the value, that the goods shall be duly exported to, and landed where the same are entered for exportation; goods,

IX. Provided always, and be it further enacted by the authority aforesaid, That in case any such spirits shall be entered for exportation to *Ireland*, or his Majesty's plantations in *America*, the exporter or exporters thereof, in order to intitle him, her, or themselves to the drawback or allowance given by this act, or any other drawback, allowance, or bounty, shall, before the shipping of the spirits, and the granting any such certificate in consequence thereof, give bond, with sufficient security, to his Majesty, his heirs, and successors, to be approved of by the respective commissioners of excise for the time being, or any three of them, or by such person or persons as they shall, from time to time, appoint for that purpose, in double the value of the

and not exported to or reloaded in any other place.

The bonds not to be discharged, till a certificate be produced from the proper officer abroad, of the due landing thereof,

and of oath made by the master, &c. that the same were fairly landed there, and without any fraud in the quantity or quality of the spirits; and oath also made by the exporter at home, that the spirits were disposed of at the place mentioned in the oath referred to in the certificate. Certificates from Ireland, to be conditioned to be returned within 6 months; and from America, within 18 months. Like security, &c. to be given on exporting spirits to any other parts of Europe;

goods, drawback, allowance, and bounty, that the same, and every part thereof, shall (the danger of the seas and enemies excepted) be really and truly exported to, and landed in, such port of the kingdom of *Ireland*, or such place in his Majesty's plantations in *America*, for which the same was so entered for exportation; and that the same shall not be exported or carried to any other place or country whatsoever, nor reloaded in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them; and such bonds so entered into shall not be delivered up or discharged, until a certificate shall be produced under the hand and seal of the collector, comptroller, or surveyor of the customs, or other chief officer of the port in *Ireland*, or the plantations in *America*, where such spirits shall be landed, testifying the landing thereof, and describing the number of the casks or other package containing the spirits, and the particular marks of such casks or package, and the exact quantity of spirits landed, and also testifying, that the master, mate, purser, or other person having the charge of the ship or vessel during the voyage in which the said spirits were exported, had made oath before him, That the said spirits, and every part thereof, were fairly landed there, and that at the time of landing they were of the same quality as when shipped on board; and that no part of such spirits had been wilfully or fraudulently diminished, reloaded, or unshipped, since the exportation thereof (which oath the said respective officers in *Ireland*, and the plantations in *America*, are hereby impowered to administer) and until oath shall be made before the respective commissioners of excise in *Great Britain* for the time being, or any one or more of them, or such other person or persons as they shall respectively appoint for that purpose (who is or are hereby respectively impowered to administer such oath) by the merchant exporter (if living) that to the best of his, her, or their knowledge or belief, the said spirits had been disposed of at the place or places mentioned in the oath referred to in the certificate: and the condition of all such bonds to be given for the exportation of any such spirits to *Ireland*, shall be, to produce such certificate in six months from the date thereof (the danger of the seas and enemies excepted) and the condition of all such bonds to be given for the exportation of any such spirits to the plantations in *America*, shall be, to produce such certificate in eighteen months from the date thereof (the danger of the seas and enemies excepted:) and in case any such spirits shall be entered for exportation to any other parts beyond the seas in *Europe*, then the exporter or exporters thereof shall, before the shipping of such spirits and the granting such certificate, give bond, with sufficient security, to his Majesty, his heirs, and successors, to be approved of as aforesaid, in double the value of the goods, drawback, allowance, and bounty, that the same, and every part thereof shall (the danger of the seas and enemies excepted) be really and truly exported to, and landed in, such port or place for which the same was so entered for exportation; and that the same shall not be exported or

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carried to any other place or country whatsoever, or relanded in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them: and such bonds so entered into shall not be delivered up or discharged, until a like certificate shall be produced under the hand and seal of the *British* consul, or other person acting as such, in the port or place where such goods shall be entered for and landed, and the like

and like certificates to be produced from the *British* consul in those ports, &c.

oath made by the merchant exporter, if living (which respective oaths the respective *British* consuls, or other persons acting as such, and the respective commissioners of excise, or other person or persons as they shall respectively appoint, are hereby respectively empowered to administer) and the condition of such

And the certificates to be conditioned to be returned within 15 months.

last mentioned bonds shall be, to produce such certificate in fifteen months from the date thereof (the danger of the seas and enemies excepted:) and in case any such spirits shall be entered for exportation to any parts beyond the seas in *Africa*, then the exporter or exporters thereof shall, before the shipping of such spirits, and the granting such certificate, give bond, with sufficient security, to his Majesty, his heirs, and successors, to be approved of as aforesaid, in double the value of the goods, drawback, allowance, and bounty, that the same, and every part thereof, shall (the danger of the seas and enemies excepted)

Like security, &c. to be given upon exportation of spirits to *Africa*;

be really and truly exported to, and landed in, such port or place for which the same was so entered for exportation; and that the same shall not be exported or carried to any other place or country whatsoever, or relanded in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them: and such bonds so entered into shall not be delivered up or discharged, until proof is made by the oath of the

and like oath to be made by the master of the due landing thereof, &c.

master, mate, purser, or other person having the charge of the ship or vessel during the voyage in which the said spirits were exported, that the said spirits, and every part thereof, were fairly landed or disposed of in or on some part of the coast of *Africa*, and that at the time of being so landed or disposed of they were of the same quality and condition as when shipped;

and that no part of such spirits had been wilfully, or fraudulently diminished, or relanded in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them;

and by the oath of the merchant exporter (if living) that, to the best of his, her, or their knowledge and belief, the said spirits had been disposed of at the place or places mentioned in the oath made by the master, mate, purser, or other person

and to be supported by the oath of the exporter;

having the charge of the ship or vessel during the voyage; which proof shall be made within eighteen months from the date of each respective bond, which respective oaths last mentioned the respective commissioners of excise in *Great Britain* for the time

the said proofs to be made within 18 months.

being, or such other person or persons as they shall respectively appoint for that purpose, are hereby respectively empowered to administer: and in case no such certificates shall respectively be produced, or proof respectively made as aforesaid, within the respective times herein before mentioned, it shall and may be lawful

The bonds may be put in suit, if the certificates or proofs be not duly produced.

for the said respective commissioners of excise to cause such bonds

to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage to the contrary, in any wise notwithstanding.

X. And, for the preventing the relanding of such spirits after the same shall be shipped, be it further enacted by the authority aforesaid, That from and after the said twenty first day of *April* one thousand seven hundred and sixty, in case any such spirits entered as merchandize for exportation, shall not be really and *bona fide* shipped and exported (the danger of the seas and enemies excepted) or in case any such spirits entered as merchandize for exportation, or shipped for stores, shall be landed again in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them, unless in case of distress to save the goods from perishing, which shall be presently made known to the officer or officers of excise, and the principal officers of the customs in the port, then not only all such spirits, and the casks or other package, shall be forfeited and lost, but also the person or persons who shall bring, or cause or procure to be relanded such spirits, or any part thereof, into any part of *Great Britain*, or of the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them, or be assisting or otherwise concerned in the unshipping the same, or to whose hands the same shall knowingly come after the unshipping thereof, or by whose privacy, knowledge, or direction the said spirits, or any part thereof, shall be so relanded, shall forfeit double the amount of the drawback, allowance, and bounty, for such spirits, and the casks and other package containing the same, together with the vessels and boats, and all the horses, or other cattle, and carriages whatsoever, made use of in the landing, removing, carriage, or conveyance of the same, which shall and may be seized by any officer or officers of the customs or excise; and if any master, commander, or other person, belonging to any ship or vessel, shall assist in, or connive at, the fraudulent landing any such spirits as aforesaid, he, she, or they (over and above all other penalties provided by this or any other act or acts now in force) shall, for every such offence, suffer imprisonment for the space of six months without bail or mainprize: and in case the package of such spirits so entered as merchandize for exportation, or any part thereof, shall be altered at any time after the shipping thereof, and before the arrival of the ship at the port or place of discharge, the master or other person taking charge of every such ship or vessel shall forfeit and lose the sum of one hundred pounds.

If any spirits entered for exportation, or as stores, shall be fraudulently relanded, or not exported,

(except in cases of distress, to be made known forthwith to the proper officers) such spirits are liable to be forfeited with the package, together with double the amount of the drawback, &c.

and the boats, horses, and carriages, &c. employed in relanding the same; and the master, &c. if privy to, or assisting therein, may be committed for 6 months; and if the package be altered before arrival at the place of discharge, the master forfeits 100l. All spirits to be exported are required to be proof spirits. 5 days notice is to be given, before the shipping

XI. And, for the preventing of frauds which may be committed in the exportation of such spirits so drawn or made in Great Britain, be it further enacted by the authority aforesaid, That from and after the said twenty first day of *April*, one thousand seven hundred and sixty, all such spirits so to be exported shall be proof spirits; and in order that the same may be properly examined, and the casks marked, When any person or persons shall be desirous of shipping any quantity of such spirits, they are hereby required to give notice thereof in writing

to the officer of excise of the division or place where such spirits thereof, to are intended to be shipped, five days next before such spirits shall the proper be put on ship-board; in which notice shall be expressed the officer, number of casks, and the quantity of spirits so intended to be shipped; and it shall be lawful to and for the gaugers, or other who is to officers of excise, to mark all and every such casks or other pack- mark the age, in such manner as the respective commissioners of excise casks; and shall direct, before such spirits are shipped; and also before the take samples, shipping thereof, as well as when on ship-board, to take a sample the same (if or samples, not exceeding one pint in the whole out of each of demanded.) the said casks, or other package, containing such spirits, paying for such sample or samples (if demanded) according to the market price spirits of the like quality shall be sold for at the time such sample or samples shall be taken: and in case any person The penalty or persons shall put on ship-board any such spirits for exporta- on not giving tion as merchandize, or to be used as stores, without having such notice, or given such notice as aforesaid, or shall obstruct or hinder the obstructing, gaugers, or other officers of excise, in the marking such casks, the officer in or in taking such sample or samples, he, she, or they shall re- the execution of his duty, is spectively forfeit, for every such offence, the sum of one hun- 100l. dred pounds: and if the spirits so intended for exportation as and the penal- merchandize shall, after the shipping thereof, be altered or re- ty of altering or reduced in quality or quantity, after any officer or officers of ex- or reducing cise shall have examined the same, the said spirits, and the cask the quality or or casks, or other package or packages, containing the same, the quantity of shall be forfeited and lost, and the person or persons who shall the spirits, have so altered or reduced such spirits, or caused or procured the after being shipped, is same to be altered or reduced, shall forfeit and lose the sum of the forfeiture of one hundred pounds for every such offence; and no drawback, and 100l. &c. allowance, or bounty, shall be allowed for the same.

XII. And be it further enacted by the authority aforesaid, The penalty That if any person or persons shall knowingly or wittingly grant of granting a any false certificate, or counterfeit, erase, or alter, any oath or false certifi- certificate made or given pursuant to this act, or shall knowingly cate; or coun- or wittingly publish or make use thereof, such person or persons terfeiting or shall forfeit five hundred pounds; which forfeiture shall and may altering any be prosecuted in any of his Majesty's courts of record at *West-* oath or certi- minster, or in the court of exchequer in *Scotland*; one moiety tificate, or making use thereof, is whereof to be for the use of his Majesty, his heirs, and succes- 500l. sors, and the other moiety to him or them who will sue for, pro- One moiety to secute, and recover the same; wherein no essoin, protection, or the crown, and the other waver of law shall be allowed, nor any more than one impar- to the profes- lance; and such oath or certificate so falsified, counterfeited, sutor. erased, or altered, shall be invalid, and of no effect.

XIII. And, for the more effectual securing the payment of the duties upon spirits, be it further enacted and declared by the authority aforesaid, That from and after the said twenty first day of *April*, one thousand seven hundred and sixty, every per- Persons liable son or persons making or keeping any wash, cyder, or other ma- to be deemed terials fit for distillation, and having in his, her, or their pos- common dis- session or occupation, any still or stills, containing separately or stillers, together

and to be surveyed, &c. accordingly.

together ten gallons or upwards; proof being made thereof by the oath of one or more credible witness or witnesses, before any one or more of the commissioners of excise for the time being, or one or more of his Majesty's justices of the peace, who are hereby respectively empowered to administer the same; shall be deemed and taken to be a common distiller for sale, and shall be liable to the several rates and duties of excise, and be subject to the survey of the officers of excise, and to the several penalties and forfeitures imposed by this or any former act or acts of parliament now in force, in any wise relating to distillers; any law or statute to the contrary in any wise notwithstanding.

Distiller is to give 6 hours notice to the proper officer, before charging his still;

except within the times herein mentioned;

and not charging his still at the times, or in an hour after, fresh notice to be given; and if he charge his still, except within the times limited, without due notice, he forfeits 100l. and using above 1 quarter of wheat, to 2 quarters of other grain in his grist for wash; he forfeits 50l.

Recital of clauses in act 8 Geo. 1.

XIV. *And for preventing of frauds that may be committed by distillers charging their stills privately with wash that has not been duly taken an account of by the officers of excise*, it is hereby further enacted by the authority aforesaid, That from and after the said twenty first day of *April*, one thousand seven hundred and sixty, no distiller, or maker of low wines, spirits, *Aqua Vitæ*, or strong waters, shall, on any pretence, begin to charge his or her still with wash, spirits, or other materials, without first giving to the proper officer or officers of the division or place where his or her distilling-house shall be situate, six hours notice at the least, of his or her intention to charge such still, unless at such times as are herein after mentioned; that is to say, From the twenty ninth day of *September*, to the twenty fifth day of *March*, yearly, between the hours of five in the morning and eight in the evening; and from the twenty fifth day of *March*, to the twenty ninth day of *September*, yearly, between the hours of three in the morning and nine in the evening: and in case such distiller, or maker of low wines, spirits, *Aqua Vitæ*, or strong waters, shall not begin to charge his or her still at the time mentioned in such notice, or within one hour next after, such notice shall be void; and the distiller shall be obliged to give another like notice in writing, before he or she begins to charge his, her, or their still: and if any distiller or distillers shall begin to charge his, her, or their still or stills with wash, spirits, or other materials, except within the respective times aforesaid, without having first given such notice or notices respectively, every such distiller or distillers shall, for every such offence respectively, forfeit and lose the sum of one hundred pounds.

XV. And it is hereby further enacted by the authority aforesaid, That from and after the said twenty first day of *April*, one thousand seven hundred and sixty, if any distiller or distillers, in preparing his grist for wash, in order for distillation, shall use, or cause to be used, more wheat than in the proportion of one quarter of wheat to two quarters of any other grain, every such distiller or distillers shall, for every such offence, forfeit and lose the sum of fifty pounds.

XVI. *And whereas by an act made in the eighth year of the reign of his late majesty King George the First, intituled, An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine;* and

and to subject copper ore, of the production of the British plantations, to such regulations as other enumerated commodities of the like production are subject; it was enacted, That if any foreign brandy, arrack, strong waters, or spirits, of any kind whatsoever, should, from and after the twenty first day of March, one thousand seven hundred and twenty two, be imported or brought into Great Britain, or into any port, harbour, haven, or creek thereof, in any ship, vessel, or boat, of the burthen of forty tons, or under, according to the admeasurement prescribed in the act therein mentioned (except only for the use of the seamen then belonging to and on board such ship, vessel, or boat, not exceeding two gallons for each such seaman) every such ship, vessel, or boat, with all her tackle, furniture, and apparel, as also all such brandy, arrack, strong waters, or spirits, or the value thereof, should be forfeited, and should and might be seized by any officer or officers of the customs, and should and might be prosecuted and divided in such manner and form as was prescribed in certain acts therein mentioned: and also further enacted, That if any boat, wherry, pinnace, barge, or galley, rowing, or made or built to row, with more than four oars, should be found within the limits therein mentioned, such boat, wherry, pinnace, barge, or galley, with all her tackle and furniture, or the value thereof, should be forfeited, and should and might be seized by any officer or officers of the customs; and the owner or owners thereof, or any person using or rowing in such boat, wherry, pinnace, barge, or galley, should also forfeit and lose the sum of forty pounds; with a proviso, exempting certain vessels therein mentioned from the said forfeitures: and by the said act it was directed, That the ship, vessel, or boat, importing foreign brandy, arrack, strong waters, or spirits, or such boat, wherry, pinnace, barge, or galley, as aforesaid, should, after condemnation thereof, be burnt and wholly destroyed; and the tackle, furniture, and apparel thereunto belonging, be publicly sold to the best advantage: and whereas by an act made in the twelfth year of the reign of his late Majesty, intituled, An act for the improvement of his Majesty's revenues of customs, excise, and inland duties, the commissioners of his Majesty's customs were impowered to cause any such ship, vessel, boat, wherry, pinnace, barge, or galley (except as before excepted) which should be seized and condemned as aforesaid, to be used by the officers of his Majesty's customs, together with the tackle, furniture, apparel, and materials belonging thereunto, the officer or officers who seized the same being first paid his or their share or shares: and whereas by an act made in the eleventh year of the reign of his said late Majesty, for more effectually preventing frauds and abuses in the public revenues; for preventing frauds in the salt duties; and for other purposes; certain powers were given to the officers of the revenue of excise to enter into any ship or vessel within the limits of any port in this kingdom, and search for and seize arrack, rum, brandy, spirits, or strong waters, and coffee, tea, cocoa nuts, chocolate, and cocoa paste, with the packages thereof, in the manner and for the reasons therein mentioned: and whereas no provision is made by the laws in being, to impower the officers of excise to seize any ships, vessels, boats, wherries, pinnaces, barges, or galleys,

and 12 Geo. 1.

Officers of excise, as well as those of the customs, may seize all vessels liable to be forfeited by the recited acts;

and proceed to condemnation, &c. in like manner as is done by the officers of the customs.

Malt distiller compounding or rectifying spirits into Gin, brandy, or other compound spirituous liquors,

forfeits roof, and his heirs, or executors, &c. are disabled to sue for or recover any debt on that trade.

The powers, rules, penalties, clauses, &c. in act 12. Car. 2. or in

and it would be a further means to prevent the clandestine importation of spirituous liquors, if they were impowered to seize such ships, vessels, boats, wherries, pinnaces, barges, or galleys, in the same manner the officers of the customs may now legally do; be it therefore enacted by the authority aforesaid, That from and after the said twenty first day of April, one thousand seven hundred and sixty, it shall and may be lawful to and for the officers of excise, and every of them, and they and each of them are hereby required to seize all and every such ships, vessels, boats, wherries, pinnaces, barges, or galleys, as are declared to be forfeited for any of the reasons contained in the said acts, or any of them, in like manner as the officers of the customs may now legally do; which ships, vessels, boats, wherries, pinnaces, barges, or galleys, so seized by the officers of excise, shall and may be proceeded against and condemned by such forms, ways, and methods, on the part and behalf of his Majesty and the officers of excise, as now are or may be used on the part and behalf of his Majesty and the officers of the customs; and after condemnation, burnt, destroyed, or used, and the tackle, furniture, and apparel thereof, disposed of and applied by and under the direction of the commissioners of excise and their officers, in like manner as is directed with respect to the commissioners of the customs and their officers.

XVII. And whereas many evils have arisen to the publick by reason of the compounding or rectifying of spirits by persons practising the trade or business of making or distilling spirits from corn or grain; be it therefore enacted by the authority aforesaid, That from and after the twenty first day of April, one thousand seven hundred and sixty, if any person practising the trade or business of making, extracting, or distilling, low wines or spirits from corn or grain, or any mixture therewith, or having any interest, share, or property, in any such trade or business, shall, directly or indirectly, either by him or herself, or any other person or persons in trust, or for his or her benefit, rectify, compound, or make, any sort of spirits into the liquor commonly called Gin, or into brandy, or any other compound spirituous liquors whatsoever, every such person shall, for every such offence, forfeit and pay the sum of one hundred pounds; and that the heirs, executors, administrators, or assigns, of any person who shall, after the said twenty first day of April, one thousand seven hundred and sixty, have been guilty of the offence aforesaid, shall not be intitled unto, or maintain any cause, action, or suit, for recovery, either in law or equity, of any sum or sums of money, debt or demand whatsoever, on account or by reason of any interest or property in, or profit or advantage arising in respect of, any spirits made, extracted, or distilled from corn or grain, or any rectified or compounded spirituous liquors whatsoever.

XVIII. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King

King Charles the Second, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights service and purveyance; and for settling a revenue upon his Majesty in lieu thereof*, or by any other law now in force, relating to his Majesty's revenue of excise upon beer, ale, or other liquors, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, mitigating, or recovering, adjudging or ascertaining the duties or penalties thereby granted, and for preventing, detecting, and punishing frauds relating thereto (not otherwise altered by this act) shall be exercised, practised, applied, used, imposed, levied, recovered, and put in execution, for the securing, enforcing, managing, raising, levying, collecting, mitigating, adjudging, ascertaining, recovering, and paying, the duties and penalties hereby granted, and for preventing, detecting, and punishing, frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, penalties, and forfeitures, clauses, matters, and things, were particularly repeated and again enacted in the body of this present act.

any other law of excise now in force, extended to this act.

XIX. And be it further enacted and declared by the authority aforesaid, That all fines, penalties, and forfeitures, imposed by this act, not hereby otherwise directed to be recovered, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise (not otherwise directed by this act) or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland*; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

Recovery, mitigation, and application of penalties in general.

XX. And be it hereby further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted, for any thing done by virtue, or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter, in evidence in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or actions, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

General issue.

Treble costs.

CAP. X.

An act to enable his Majesty to make leases and copies of offices, lands, and hereditaments, parcel of his dutchy of Cornwall, or annexed to the same; and for other purposes therein mentioned.

Preamble.

Leases and grants made by copy of court roll, or by letters patents or indentures within 7 years to come, of any offices, lands, or hereditaments, parcel of the dutchy of Cornwall, or annexed thereto, declared to be good against the crown;

so as such leases be not for more than 3 lives, or 31 years; or a term determinable upon 3 lives at the most: and if in expectancy, or reversion, not exceeding 3 lives, or 31 years, and so as the same be not dishonourable of waste;

WHEREAS his most excellent Majesty now stands seized of the dutchy of Cornwall, and the possessions thereof: and whereas some doubts may arise in relation to his Majesty's granting leases, and making copies of offices, lands, and hereditaments, parcel of his said dutchy, or thereunto annexed or belonging: for obviating whereof, and for the ease and quiet of the minds of such persons as have taken, or shall hereafter take leases from his said most excellent Majesty; and to the end that such persons may be sure to have good and indefeasible estates, and be encouraged to lay out monies in building and repairing, or otherwise improving the several lands and tenements to them demised, or to be demised; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all leases and grants, made or to be made, by copy of court roll, according to the custom of the respective manor or manors of the said dutchy, or thereunto annexed or belonging; and all leases and grants made, or to be made within seven years next ensuing, by letters patents or indentures, under the great seal of Great Britain or seal of the court of Exchequer, or by copy of court roll, according to the custom of the respective manors, of any offices, messuages, parks, lands, tenements, or hereditaments (other than honours, lordships, or manors) parcel of the possessions of the said dutchy of Cornwall, or annexed to the same, shall be good and effectual in law, according to the purport and contents of the same copies, leases, and grants, against our sovereign lord the King, his heirs, and successors, and against all and every other person or persons that shall at any time hereafter have, inherit, or enjoy, the said dutchy, by force of any act of parliament, or by other limitation whatsoever.

II. Provided always, That every such lease or grant so made, or to be made, be not for more than one, two, or three lives, or for one and thirty years, or under, or for some term of years determinable upon one, two, or three lives, and not above; and if such leases or grants be made in reversion or expectancy, that then the same, together with the estates in possession, do not exceed three lives, or term of one and thirty years, and be not in any wise made dishonourable of waste; and so as upon every such lease, or grant be, or shall be, reserved the antient or most usual rent, or more, or such rent as hath been reserved, yielded, or paid, for the same manors, lands, or hereditaments, for the greater part of twenty years next before the making of the said leases; and where no such rent hath been reserved or payable, that then, upon every such lease, there be, or shall be, reserved

a reasonable rent, not being under the twentieth part of the clear yearly value of the manors, messuages, parks, lands, tythes, tenements, or hereditaments, contained in such lease or grant; and all leases and grants otherwise made, or to be made, shall be null and void.

and the usual rent, or, where there was none before, a reasonable rent be reserved.

III. And be it further ordained and enacted by the authority aforesaid, That all covenants, conditions, reservations, and other agreements, contained in every lease, grant, or copy of court roll, made or to be made, as aforesaid, shall be good and effectual in law, according to the words and contents of the same, as well for and against them to whom the reversions of the same lands, tenements, and hereditaments shall come, as for and against them to whom the interest of the said leases, grants, or copies shall come, respectively, as if our sovereign lord the King's majesty, at the time of making such covenants, conditions, and reservations, and other agreements, were seised of an absolute estate, in fee simple, in the same lands, tenements, or hereditaments.

The covenants, &c. in such leases or grants deemed good in law.

IV. Saving always, to all and every person and persons, bodies politick and corporate, their heirs, and successors, executors, administrators, and assigns (other than to our said sovereign lord the King, and his heirs and successors; and the duke and dukes of *Cornwall* for the time being, and his and their heirs; and all and every other person and persons that shall hereafter have, inherit, or enjoy, the said dukedom of *Cornwall*, by force of any act of parliament, or other limitation whatsoever) all such rights, titles, estates, customs, interests, tenures, claims, and demands whatsoever, of what nature, kind, or quality soever, of, in, to, or out of, the said offices, lands, tenements, or hereditaments, or any of them, as they, or any of them, had or ought to have had before the making of this act, to all intents and purposes, and in as large and ample manner and form, as if this act had never been had or made; this act, or any thing herein contained to the contrary notwithstanding.

Reservation of rights.

CAP. XI.

An act for taking down and removing the magazine for gunpowder, and all buildings thereto belonging, situate near Greenwich in the county of Kent; and erecting, instead thereof, a new magazine for gunpowder at Purfleet, near the river of Thames, in the county of Essex; and applying a sum of money granted in this session of parliament towards those purposes, and for obviating difficulties arisen upon an act made in the last session of parliament, for making compensation for lands and hereditaments purchased for his Majesty's service at Portsmouth, Chatham, and Plymouth.

Preamble. The powder magazine near Greenwich, to be taken down, and removed, by the board of ordnance, and a new one, together with barracks, &c. to be erected at Purfleet. Commissioners to be appointed by his Majesty for surveying, &c. lands, &c. proper for that purpose; who are empowered to enter upon and set out the lands, &c. accordingly. The lands, &c. so surveyed, vested in trustees; in trust for the persons interested, till payment of the purchase monies. Commissioners empowered to treat for the absolute purchase of such lands. Agreements entered into deemed valid. Where persons shall refuse, or neglect to treat,

or shall be disabled from treating, the commissioners are to issue their warrant to the sheriff of the county, to summon and return a jury to ascertain the value of the premises. Sheriff to attend at the return of the warrant, with his officers, to prove the summoning the jurors. Jury may be challenged. Sheriff neglecting his duty, may be fined in a sum not exceeding 20*l.* and juryman in a sum not exceeding 10*l.* Fines to be returned into the exchequer. Where a sufficient jury shall not appear, the inquest may be adjourned, and a fresh warrant issued for returning double the number of jurors making default. Twelve sufficient to take the inquest. Witnesses may be summoned, and examined upon oath. Notice to be given of the days appointed for the meeting of the juries. Witnesses refusing to attend, or to give evidence, may be fined in any sum not exceeding 5*l.* Orders and decrees of the commissioners, and verdicts of the juries, and the judgments thereupon, are to be final and conclusive to all parties. Surveys, orders, judgments, agreements, and verdicts, to be entered at length in proper books; and copies thereof to be ingrossed on parchment, and certified by the commissioners to the clerk in Chancery, and the remembrancer of the exchequer. Certificates of the purchases to be given by the commissioners to the proprietors, and bills for the sums due to be made out by the surveyor general of the ordnance; and debentures thereupon to be granted them, with interest after the rate of 4*l.* per cent. per ann. The trustees thereupon deemed to stand seised of the premises. In case of refusal to accept such certificates, they may be deposited with the clerk of the peace for Essex, &c. Where the premises shall belong to any corporate body, or to other persons under a disability to take and dispose of the purchase money, it is then to be paid over to the dep. remembrancer for their use. Act 31 Geo. 2. The monies payable by the recited and present acts, to corporate bodies, or persons under a legal disability to receive and apply the same, to be paid over to the dep. remembrancer; who is to grant certificates for the same to the owners and proprietors; which are to be filed in the exchequer. The money received by him to be paid into the bank. Barons of the exchequer empowered to make orders for placing out the monies in the funds, and for payment of the dividends thereon, or laying out the principal in other purchases, to be settled and applied to the same uses. All mortgages, stocks, &c. vested by this or the recited acts in the deputy remembrancer, to vest, upon his death or removal, in his successor, subject to the same trusts; and the monies then remaining in his hands to be paid over by his executors, &c. If there shall be no dep. remembrancer, the trusts, &c. under the present and former acts, are to vest in the principal remembrancer. The mills at Purfleet to be taken down; and the fleet to be left open; and proper flood-gates to be erected to keep out the sea water, and permit the fresh water to go off with the ebb tides, &c. The fleet to be under the commissioners of sewers for the levels of Avely and W. Thurrock; but the expences of the repairs, &c. to be paid out of the monies granted for the ordnance service. Commissioners empowered to hear and redress grievances of the owners and occupiers of lands; and make satisfaction for damages. 15,000*l.* granted out of the supplies for the year 1760, towards removing the said magazine, and building a new one. Board of ordnance to appoint officers for carrying this act into execution. Accounts to be laid before parliament. Charges of this act to be first paid. Limitation of actions. General issue. Treble costs.

CAP. XII.

An act for adding certain annuities granted in the year one thousand seven hundred and fifty nine, to the joint stock of three per centum annuities, consolidated by the acts of the twenty fifth, twenty eighth, twenty ninth, and thirty second years of his present Majesty's reign, and for carrying the several duties therein mentioned to the sinking fund; and for cancelling such lottery tickets as were made forth in pursuance of an act of the thirtieth year of his present Majesty's reign, and were not disposed of.

WHEREAS in pursuance of an act of parliament made in the thirty second year of his present Majesty's reign, intituled, *Preamble.*
An act for granting to his Majesty a subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom; and an additional inland duty on coffee and chocolate; and for raising the sum of six millions six hundred thousand pounds, by way of annuities and a lottery, to be charged on the said subsidy and additional inland duty; several persons, bodies politick or corporate, have advanced and lent the sum of six millions six hundred thousand pounds, upon the credit of the subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom, and the additional inland duty on coffee and chocolate, by the said act granted, for the purchase of annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England, and redeemable by parliament: and whereas an additional capital of fifteen pounds, was by the said act directed to be added to every one hundred pounds advanced towards the said sum of six millions six hundred thousand pounds, amounting to nine hundred and ninety thousand pounds, to be attended with like annuities, after the rate of three pounds per centum per annum: and whereas it is thought necessary that the said principal sum of six millions six hundred thousand pounds, together with the said additional capital of fifteen pounds added to every one hundred pounds advanced towards the said sum of six millions six hundred thousand pounds, amounting to nine hundred and ninety thousand pounds, should be (with the consent of the proprietors thereof, to be signified within the time herein after mentioned) added to, and made a part of, the joint stock of three pounds per centum transferrable annuities at the bank of England; and that the charges and expences in respect thereof, should be charged upon, and paid out of, the fund, commonly called The sinking fund, until redemption thereof by parliament, in the same and like manner as the annuities aforesaid are paid and payable; and that the subsidy of poundage upon certain goods and merchandizes to be imported into this kingdom, and the additional inland duty on coffee and chocolate, which, by the said act, were made a fund for payment of the said three pounds per centum annuities, should be carried to, and made a part of, the said fund, commonly called The sinking fund: may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by

The principal sum of 6,600,000*l.* borrowed on the credit of the recited act, together with the additional capital of 990,000*l.* added thereto, to be made, with consent of the proprietors, part of the joint stock of 3*l.* per cent. annuities consolidated by acts 25, 28, 29, & 32, Geo. 2 and the charges to be paid out of the sinking fund.

Proprietors dissenting, to enter their dissent on or before 20 June, 1760.

The duties appropriated for payment of the annuities chargeable on the said principal sum, to be carried to the sinking fund;

and made a part thereof; and to be applied accordingly.

the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the fifth day of *January*, one thousand seven hundred and sixty, the principal sum of six millions six hundred thousand pounds, borrowed by virtue of the said before recited act, together with the said additional capital of fifteen pounds added to every one hundred pounds advanced towards the said sum of six millions six hundred thousand pounds, amounting to nine hundred and ninety thousand pounds, carrying an interest after the rate of three pounds *per centum per annum*, payable at the bank of *England*, shall, with the consent of the proprietors as aforesaid, be added to, and made a part of, the joint stock of three pounds *per centum* transferrable annuities at the bank of *England*, consolidated by the acts made in the twenty fifth, twenty eighth, twenty ninth, and thirty second years of his present Majesty's reign, and shall be transferrable at the bank of *England*; and the charges and expences in respect thereof, shall be charged upon, and paid out of, the fund, commonly called *The sinking fund*, until redemption thereof by parliament, in the same and like manner as the annuities consolidated as aforesaid are transferrable, and as the charges and expences in respect thereof are payable; any thing in the said act made in the thirty second year of his present Majesty's reign, to the contrary thereof in any wise notwithstanding.

II. And be it further enacted by the authority aforesaid, That such proprietors who shall not on or before the twentieth day of *June*, one thousand seven hundred and sixty, signify their dissent to such consolidation as aforesaid, in books to be opened at the bank of *England* for that purpose, shall be deemed and taken to assent thereto; any thing to the contrary thereof in any wise notwithstanding.

III. And be it further enacted by the authority aforesaid, That all the monies which have arisen since the fifth day of *January*, one thousand seven hundred and sixty, or that shall or may hereafter arise, of the subsidy of poundage upon certain goods and merchandizes imported, or to be imported, into this kingdom, and the additional inland duty on coffee and chocolate, which were made a fund for payment of three pounds *per centum per annum*, at the bank of *England*, on six millions six hundred thousand pounds, borrowed, by virtue of the said act made in the thirty second year of the reign of his present Majesty, towards the supply of the year one thousand seven hundred and fifty nine, as also on the said additional capital of fifteen pounds added to every one hundred pounds advanced towards the said sum of six millions six hundred thousand pounds, amounting to nine hundred and ninety thousand pounds, shall be carried to, and made a part of, the fund, commonly called, *The sinking fund*; and the same shall be deemed and taken to be part of the said sinking fund, and shall be issued and applied to such uses and purposes as the several excesses, surplusses, or overplus

plus monies composing the said sinking fund, are or may be issued and applied; any thing in the said before recited act to the contrary thereof in any wise notwithstanding.

IV. And whereas by an act of parliament made in the thirtieth year of the reign of his present Majesty, intituled, An act for granting to his Majesty a sum not exceeding one million fifty thousand and five pounds and five shillings, to be raised by way of lottery; the managers and directors of the said lottery were required to cause such of the tickets contained in the outermost column of the books to be prepared in pursuance of the said act, which should not have been disposed of to contributors, and also the tickets upon which default of payments should have been made, to be delivered into the receipt of his Majesty's exchequer, there to be retained and kept as cash, to be issued and disposed of for the purposes of the said act, in such manner as the commissioners of his Majesty's treasury, or any three or more of them then being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, should direct: and whereas the managers and directors of the said lottery did, in pursuance of the said act, deliver into the receipt of his Majesty's exchequer, six hundred and forty seven thousand two hundred and eighty one tickets, there to be retained and kept as cash, which, at one pound one shilling each, amounted to the sum of six hundred and seventy nine thousand six hundred and forty five pounds, one shilling: and whereas the commissioners of his Majesty's treasury did afterwards by their warrant appoint Robert Jennings, John Dive, Barwell Smith, Daniel Wray, and Frederick Atherton Hindley, to receive from his Majesty's exchequer the said six hundred and forty seven thousand two hundred and eighty one tickets, and to sell and dispose of the same; who accordingly did receive the said tickets from the tellers of the said receipt, and did sell and dispose of sixty six thousand five hundred and seventy four tickets, part of the said tickets, which, at one pound one shilling each, amounted to sixty nine thousand nine hundred and two pounds, fourteen shillings, and paid the said sum into the said receipt of exchequer, and did return five hundred and eighty thousand seven hundred and seven tickets, which remained in their hands undisposed of, into the said receipt, which are now retained and kept as cash there, and, computed at the rate of one pound and one shilling each, amount to the sum of six hundred and nine thousand seven hundred and forty two pounds and seven shillings; be it therefore enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them, or the high treasurer for the time being, to issue the said five hundred and eighty thousand seven hundred and seven tickets to any person or persons whatsoever, to be by them cancelled and destroyed, that thereby the tellers of his Majesty's receipt of exchequer may be discharged of the total amount of the cash or value of the said five hundred and eighty thousand seven hundred and seven tickets, at the rate of one pound one shilling each; and that the said Robert Jennings, John Dive, Barwell Smith, Daniel Wray, and Frederick Atherton Hindley, shall be and are hereby discharged of their account touching the same; and the

Clause in act
30 Geo. 2.

The commissioners of the treasury to issue, in order for cancelling, such lottery tickets as were made forth in pursuance of the recited acts, and were not disposed of; and the tellers, &c. to be discharged of

managers

their account touching the same.
Managers to cancel the duplicates.

managers and directors of the said lottery, or any five or more of them, or the person or persons in whose custody the columns containing the duplicates of, and the tickets of the numbers and classes corresponding with, the said five hundred and eighty thousand seven hundred and seven tickets, do or shall remain, may, and is and are hereby authorized and impowered to cancel and destroy such part of the said columns as contain the said duplicates, and tickets of the corresponding numbers and classes, as aforesaid; any thing in the said act, or any other act, contained to the contrary notwithstanding.

C A P. XIII.

An act for allowing further time for inrollment of deeds and wills made by papists; and for relief of protestant purchasers.

Preamble, reciting the acts
3 Geo. 1.

WHEREAS by a clause in an act of parliament passed in the third year of his late Majesty's reign, intituled, An act for explaining an act passed in the last session of parliament, intituled, *An act to oblige papists to register their names and real estates, and for enlarging the time for such registering; and for securing purchases made by protestants; it was enacted, That from and after the twenty ninth day of September, in the year of our Lord one thousand seven hundred and seventeen, no manors, lands, tenements, hereditaments, or any interest therein, or rent or profit thereout, should pass, alter, or change, from any papist, or person professing the popish religion, by any deed or will, except such deed, within six months after the date, and such will, within six months after the death of the testator, should be inrolled in one of the King's courts of record at Westminster, or else within the same county or counties whercin the manors, lands, and tenements, lie, in such manner as therein for that purpose is particularly directed: and whereas by several acts of parliament made in the tenth year of his said late Majesty's reign, and in the third, sixth, ninth, eleventh, twelfth, sixteenth, and nineteenth year of the reign of his present Majesty, it was enacted, That every deed and will which had been then made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or rent or profit thereout, from any papist or person professing the popish religion, though not then inrolled, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the time limited, by the said clause in the said first-mentioned act, for inrollment thereof, provided the said deeds and wills should be inrolled on or before the respective times in the said several acts respectively mentioned, in such manner as by the said first mentioned act was directed: and whereas by another act made in the twenty sixth year of the reign of his present Majesty, it was enacted, That every deed and will made since the first day of December, one thousand seven hundred and forty six, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout,*

from

10 Geo. 1,
&c.

26 Geo. 2.

from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses, in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and fifty four, in such manner as by the said clause in the said first-mentioned act is directed: and whereas by an act made in the twenty eighth year of the reign of his present Majesty, & 28 Geo. 2. it was enacted, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or persons professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses, in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and fifty six, in such manner as by the said clause in the said first-mentioned act is directed: and whereas by an act made in the thirty first year of the reign of his present Majesty, it was enacted, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profits thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, should be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses, in the said acts for the inrollment thereof, provided the same deeds and wills should be inrolled on or before the first day of January, one thousand seven hundred and fifty nine, in such manner as by the said clause in the said first-mentioned act is directed: be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That every deed and will made since the twenty ninth day of September, one thousand seven hundred and seventeen, in order to pass, alter, or change,

Further time given for inrolling deeds and wills of papists till

25 Dec. 1760.

change, any manors, lands, tenements, or hereditaments, or any interest therein, or any rent or profit thereout, from any papist or person professing the popish religion, to any protestant or protestants, or by reason of which deed or will, any protestant or protestants may claim or derive any legal, equitable, or other interest whatsoever, to his, her, or their use, for his, her, or their benefit, or to the use or benefit of any other protestant or protestants, though not inrolled, or not inrolled in due time, shall be as good and effectual in the law, as the same would have been in case the said deeds and wills had been inrolled within the times limited by the said clauses, in the said acts for the inrollment thereof, provided the same deeds and wills shall be inrolled on or before the twenty fifth day of *December*, one thousand seven hundred and sixty, in such manner as by the said clause in the said first-mentioned act is directed.

No deed, will, or lease, made good hereby, whereof advantage has been taken of the non-inrollment thereof before 25 Dec. 1759.

II. Provided always, That nothing herein contained shall extend, or be construed to extend, to make good any such deed, will, or lease, already made and not inrolled, of the want of inrollment whereof advantage shall have been taken, on or before the twenty fifth day of *December*, one thousand seven hundred and fifty nine, but every such deed, will, or lease, shall remain of such force and effect only, as the same would have had if this act had never been made, and of none other force and effect.

Purchases made by protestants shall stand good, if no advantage has been taken for non-inrollment.

III. *And whereas many purchases made by protestants, may be in danger of being impeached or called in question, in regard that some deeds or wills, through which the title thereto is derived, ought to have been inrolled according to the said acts, but have not been so inrolled;* be it therefore further enacted by the authority aforesaid, That no purchase made for full and valuable consideration of any manors, messuages, lands, tenements, or hereditaments, or of any interest therein, by any protestant or protestants, and meerly and only for the benefit of the protestants, shall be impeached or avoided; for or by reason that any deed or will through which the title thereto is derived, hath not been inrolled as required by the said acts, so as no advantage was taken of inrollment thereof before such purchase was made, and so as no decree or judgement hath been obtained for want of the inrollment of such deeds or wills.

No grant, lease, or mortgage of the advowson, or right of presentation to a living, &c. made by any papist in trust, &c. to be hereby deemed good.

IV. Provided also, That nothing herein contained, shall extend, or be construed to extend, to make good any grant, lease, or mortgage, of the advowson, or right of presentation, collation, nomination, or donation, of and to any benefice, prebend, or ecclesiastical living, school, hospital, or donative, or any avoidance thereof, made by papist or person professing the popish religion, in trust, directly or indirectly, mediately or immediately, by or for any such papist or person professing the popish religion, whether such trust hath been declared by writing or not.

CAP. XIV.

An act for enlarging the times for the first meetings of commissioners or trustees for putting in execution certain acts of this session of parliament.

WHEREAS by several acts of this present session of parliament, the first meeting of the commissioners or trustees for putting such acts, or any part or parts thereof, in execution, hath been, or may be, appointed or directed to be held before, or upon the day of the passing of such acts respectively, whereby several doubts and difficulties may arise with respect to the due execution of the said acts; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That in case any act of parliament hath passed, or doth, or shall pass, at any time whatsoever during this present session of parliament, upon, or after the day specified in any such act for the first meeting of the commissioners or trustees appointed to put the same, or any part thereof, in execution, in each and every such case, such commissioners or trustees respectively, or the same number of such respective commissioners or trustees as is or shall be authorized to hold such first meeting, or any greater number of them, shall and may hold their first meeting upon the twenty first day after the passing of this act, at such places as were respectively appointed in such acts for holding the first meetings on the days therein specified; and all such commissioners or trustees, or any number of them, as aforesaid, being so assembled respectively on the said twenty first day after the passing of this act, shall and may proceed to the execution of such acts respectively; and then, and from time to time afterwards, adjourn, and do and perform all such matters and things, and execute all the powers and authorities granted to them in the said acts respectively, in the same manner, and as fully and effectually to all intents and purposes, as if such commissioners or trustees had been assembled in pursuance of, and on the respective days specified or appointed in such acts for holding the first meeting of such commissioners or trustees; any thing therein contained to the contrary notwithstanding.

Preamble.

Where any act of this session shall pass upon or after the day specified therein for the first meeting of commissioners or trustees to act, they shall hold their first meeting on the 21st day after passing this act.

CAP. XV.

An act for rendering the exportation of culm from the harbour of Milford in the county of Pembroke, and the limits thereof, to the neighbouring counties, more easy to the proprietors and purchasers of the same; and for better securing the duties payable thereon.

Preamble. Sufferances may be granted, upon application, for exporting culm in small vessels, from the port of Milford to the neighbouring counties. Officer to attend the shipping thereof. Duty of 1s. per chaldron to be paid for the same, for which a certificate is to be given; the same deemed a sufficient clearance. Fee of 1s. and no more to be paid for the certificate. Master of the vessel, upon his return to the port of Milford, to make oath of the place, and time, of landing his former cargo, before he ships another loading. Penalty of fraudulently changing his own

or

or the ship's name, &c. 5l. Where any culm shall be lost, for which duty has been paid, the like quantity to be shipped duty-free.

C A P. XVI.

An act to continue several laws therein mentioned relating to the clandestine running of uncustomed goods, and preventing frauds relating to the customs; to prevent the clandestine running of goods, and the danger of infection thereby; to the granting liberty to carry rice from his Majesty's province of Carolina in America, directly to any part of Europe, southward of Cape Finisterre, in ships built and navigated according to law; to the free importation of cochineal and indico; to the prohibiting the importation of books reprinted abroad, and first composed, written, and printed, in Great Britain; and for allowing further time for making affidavits of the execution of articles or contracts of clerks to attornies or solicitors, and filing thereof.

Preamble.

Clauses in act
5 Geo. 1.

relating to for-
eign goods
taken in at
sea, &c.

WHEREAS the several laws herein after-mentioned, are near expiring; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the several clauses in an act made in the fifth year of the reign of his late Majesty, intituled, *An act against clandestine running of uncustomed goods, and for the more effectual preventing of frauds relating to the customs*, relating to such foreign goods, wares, and merchandizes, as shall be taken in at sea out of any ship or vessel, in order to be landed, or put into any other ship, or vessel, or boat, and also relating to goods not reported and found after clearing ships; and whereby further remedies are provided against relanding goods prohibited to be worn in this kingdom, and foreign goods shipped out for parts beyond the seas; and also relating to the opening or altering the package of goods on board ships outward bound; and also relating to hovering ships or vessels of the burthen of fifty tons, or under; and also concerning the bales or package in which coffee shall be exported; and also relating to rum imported in casks or vessels not containing twenty gallons at the least; and also relating to certificate goods entered in order to be exported to *Ireland*; which were to have continuance for the term of three years from the several times of the commencement thereof, and from thence to the end of the then next session of parliament respectively; and which, by several subsequent acts passed in the ninth year of his said late Majesty's reign, and in the second, eighth, fifteenth, and sixteenth, and twentieth, and twenty seventh years of his present Majesty's reign, were further continued from the expiration thereof, until the twenty ninth day of *September*, one thousand seven

seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof, to the twenty ninth day of *September*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

further continued to 29 Sept. 1767.

II. And be it further enacted by the authority aforesaid, That an act made in the eighth year of the reign of his late Majesty, intituled, *An act to prevent the clandestine running of goods, and the danger of infection thereby; and to prevent ships breaking their quarantine; and to subject copper ore, of the production of the British plantations, to such regulations as other enumerated commodities of the like production are subject*; which was to be in force for two years from the twenty fifth day of *March*, one thousand seven hundred and twenty two, and from thence to the end of the then next session of parliament; and which by several subsequent acts (except the clauses obliging all ships and vessels to perform quarantine) was to have further continuance from the first day of *June*, one thousand seven hundred and forty seven, and from thence to the end of the then next session of parliament; and which by an act made in the twentieth year of the reign of his present Majesty, was intended to be further continued to the first day of *June*, one thousand seven hundred and fifty four; but, by mistake, the year one thousand seven hundred and forty seven was inserted therein instead of the said year one thousand seven hundred and fifty four; and which by several subsequent acts made in the twenty first and twenty seventh years of his present Majesty's reign was further continued from the expiration thereof until the twenty ninth day of *September*, one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof to the said twenty ninth day of *September*, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

Act 8 Geo. 2. to prevent the clandestine running of goods, &c.

(except the clauses relating to quarantine)

further continued to 29 Sept. 1767.

III. And be it further enacted by the authority aforesaid, That an act made in the third year of the reign of his present Majesty, intituled, *An act for granting liberty to carry rice from his Majesty's province of Carolina in America, directly to any part of Europe southward of Cape Finisterre, in ships built in, and belonging to, Great Britain, and navigated according to law*; which was to be in force for five years from the twenty ninth day of *September* one thousand seven hundred and thirty, and from thence to the end of the then next session of parliament; and also an act made in the eighth year of the reign of his present Majesty, to continue the said act from the expiration thereof until the twenty ninth day of *September* one thousand seven hundred and forty two, and from thence to the end of the then next session of parliament, and to extend that liberty to his Majesty's province of *Georgia* in *America*; which said acts, by several subsequent acts made in the fifteenth and sixteenth, twentieth and

Act 3 Geo. 2. for allowing rice to be brought from Carolina to Europe,

and also act 8 Geo. 2. for continuing the said act, and extending the said liberty to Georgia in America.

further conti-
nued to 29
Sept. 1767.

twenty seventh years of his present Majesty's reign, were further continued from the expiration thereof until the twenty ninth day of *September* one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof to the said twenty ninth day of *September* one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.

Act 7 Geo. 2.
for reviving a
former act
for the free
importation
of cochineal
and indico,

IV. And be it further enacted by the authority aforesaid, That an act made in the seventh year of the reign of his present Majesty, intituled, *An act for the revival of an act made in the thirteenth year of the reign of his late majesty King George the First, intituled, An act for the free importation of cochineal during the time therein limited; and also for the free importation of indico; which was to continued in force from the twenty fourth day of June one thousand seven hundred and thirty four, for the term of seven years, and from thence to the end of the then next session of parliament; and which by several subsequent acts passed in the fourteenth, twentieth, and twenty seventh years of his present Majesty's reign, was further continued from the expiration thereof, until the twenty ninth day of September one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof to the said twenty ninth day of September one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.*

further conti-
nued to 29
Sept. 1767.

So much of
act 12 Geo. 2.
as relates to
the prohibiting
the importa-
tion of books
reprinted
abroad.

V. And be it further enacted, That so much of an act made in the twelfth year of the reign of his present Majesty, intituled, *An act for prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain; and for repealing so much of an act made in the eighth year of the reign of her late majesty Queen Anne, as impowers the limiting of prices of books; which act was to continue in force from the twenty ninth day of September one thousand seven hundred and thirty nine, for the space of seven years, and from thence to the end of the then next session of parliament; and which, so far as relates to the prohibiting the importation of books reprinted abroad, and first composed or written, and printed in Great Britain, by several subsequent acts made in the twentieth and twenty seventh years of his present Majesty's reign, was further continued from the expiration thereof until the twenty ninth day of September one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and the same is hereby further continued from the expiration thereof to the said twenty ninth day of September one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.*

further conti-
nued to 29
Sept. 1767.

VI. And whereas some persons have omitted to cause affidavits to be made, and afterward to be filed in the proper office, of the actual execution of several contracts, in writing, entered into by them to
serve

serve as clerks to attornies or solicitors, within the time in which the same ought to have been done; and many infants, and others, may thereby incur certain disabilities; for preventing whereof, and for relieving such persons; be it likewise enacted by the authority aforesaid. That every person who hath neglected or omitted to cause any such affidavit or affidavits as aforesaid, to be made and filed, and who, on or before the sixth day of November one thousand seven hundred and sixty, shall cause one or more affidavit or affidavits to be made, and afterwards to be filed in such manner as the same ought to have been made and filed, in due time, shall be, and is hereby indemnified, freed, and discharged, from and against all penalties, forfeitures, incapacities, and disabilities, in or by any act or acts of parliament mentioned and incurred, or to be incurred, for or by reason of any such neglect or omission, in not causing such affidavit or affidavits to be made and filed in such manner as the same ought to have been; and every such affidavit and affidavits so to be made, and which shall be duly filed, on or before the said sixth day of November as aforesaid, shall be as effectual to all intents and purposes as if the same had been made and filed, within the respective times the same ought, by the laws now in being for that purpose, to have been so made and filed.

Further time allowed to 6 Nov. 1760, for making and filing affidavits of the execution of contracts to serve as clerks to attornies, &c.

CAP. XVII.

An act to continue an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, An act for the better encouragement of the making of sail cloth in Great Britain.

WHEREAS *the law herein after mentioned is near expiring; Preamble.* may it therefore please your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the twelfth year of the reign of her late majesty Queen Anne, intituled, *An act for the better encouragement of the making of sail cloth in Great Britain, which was to continue in force for seven years, and from thence to the end of the then next session of parliament; and which by several subsequent acts made in the fifth and tenth years of the reign of his late majesty King George the First, and in the eighth, fifteenth, twentieth, and twenty seventh years, of his present Majesty's reign, was further continued from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament; shall be, and the same is hereby further continued from the expiration thereof, to the twenty ninth day of September, one thousand seven hundred and sixty seven, and from thence to the end of the then next session of parliament.*

A^d 12 Annæ, which was continued by several subsequent acts,

further continued to 29 Sept. 1767.

CAP. XVIII.

An act for enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned, and for further appropriating certain supplies granted in this session of parliament.

Preamble. Credit of loan granted to his Majesty for 1,000,000. Treasury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans or exchequer bills thereby to be made out. The clauses, &c. in the said act relating to the loans or exchequer bills, extended to the loans and exchequer bills to be made forth in pursuance of this act; principal and interest, with the charges attending, to be paid out of the next supplies, and if none sufficient be granted before 5 July 1761, then they are to be paid out of the sinking fund; and the monies so issued to be replaced out of the first supplies. The bank empowered to advance on the said credit of loan, any sum or sums not exceeding 1,000,000. the act of 5 & 6 W. & M. notwithstanding. Appropriation of the supplies in general. The monies arising by the land tax, malt act, lottery act, and sinking fund, with the sum of 1,000,000. granted by this act; viz. Out of the aids in general, 3,572,629l. 5s. 1d. towards naval services herein specified. 10,000l. towards finishing the hospital at Hasler near Gosport. 10,000l. towards finishing the hospital near Plymouth. 8,000l. towards erecting careening wharfs and store houses, &c. at Halifax. 10,000l. towards the support of Greenwich hospital. 510,860l. 1s. 5d. for charge of the office of ordnance for land service. 6,643,512l. 16s. 6d. 1q. towards the land forces in general; of which 1,383,748l. 10d. for defraying the expence of 57,294 effective men, including those in Germany, &c. 846,168l. 19s. for guards and garrisons, &c. in the plantations, Gibraltar, &c. 35,744l. 8s. 4d. for troops on the Irish establishment serving in North America. 54,454l. 11s. 9d. for pay of the general and general staff officers, and officers of hospitals for the land forces. 102,006l. 4s. 8d. for defraying the charge of the embodied militia in S. Britain, and the fencible men of Argyleshire, and a battalion of highlanders in N. Britain, from 25 Dec. 1759, to 25 April 1760. 260,104l. 16s. 8d. for defraying the charge of the said militia, Argyleshire men, and highlanders, to 24 Dec. 1760. 30,722l. for cloathing for the embodied militia for 1760. 2,042l. for pensions to widows of reduced officers who died on half pay. 35,651l. 9s. to the reduced officers of the land forces and marines. 2,946l. allowances to the officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and superannuated gentlemen of the four troops of horse guards. 25,000l. for out pensioners of Chelsea hospital. 933,302l. 15s. 5d. 1q. for extraordinary expences of the land forces, &c. to 24 Nov. 1759, not provided for. 500,000l. towards the charge of forage, bread, and other contingences of the army under Prince Ferdinand. 134,139l. 17s. 4d. for charge of augmentations to the forces, since the estimate for 1760 was presented, to 24 Dec. 1760. 12,874l. 15s. 10d. for charge of a regiment of light dragoons, and an additional company to lieutenant colonel Vaughan's corps. 447,882l. 10s. 5d. 1q. for charge of the troops of Hanover, Wolfenbuttle, Saxe Gotha, and count Buckeburgg, to 24 Dec. 1760, to be issued two months in advance; the troops to be mustered by an English commissary. 268,874l. 16s. 8d. for charges of the troops of Hesse Cassel, to 24 Dec. 1760, together with the subsidy to the said time, pursuant to treaty. 97,850l. 4s. 10d. for charge of an additional corps of troops of Hesse Cassel, to 31 Dec. 1760, pursuant to treaty. 34,333l. 8s. for charge of augmentation of the troops of Hanover to 24 Dec. 1760. 20,776l. 5s. 5d. for charge of augmentation of the troops of Hesse Cassel, to 24 Dec. 1760. 52,901l. 19s. 2d. for charge of augmentation to the army in Germany to 24 Dec. 1760. 66,926l. 3s. 1q. for charge of the troops of Brunswick, pursuant to treaty. 23,843l. 5s. 11d. for charge of augmentation to the troops of Brunswick, pursuant to treaty. 101,096l. 3s. 2d. for charge of augmentation of the troops of Hesse Cassel for 1760. 420,120l. 1s. for extraordinary expences of land forces, and other services incurred in 1759, and not provided for. 670,000l. to the King of Prussia;

1760.]

Anno tricesimo tertio GEORGE II. C. 19.

35

pursuant to treaty. 60,000*l.* to the landgrave of Hesse Cassel, pursuant to treaty. 1,000,000*l.* to discharge the like sum borrowed, pursuant to a vote of credit of the last session. 1,000,000*l.* upon account to defray any extraordinary expences of the war which may be incurred in 1760. 11,785*l.* 6*s.* 10*d.* for support of the colony of Nova Scotia for 1760. 5,851*l.* 4*s.* 9*d.* for support of the said colony in 1758, not provided for. 4,057*l.* 10*s.* for charge of the said establishment of Georgia, to 24 June, 1760. 501,078*l.* 16*s.* 6*d.* for transport service, &c. in 1759. 15,000*l.* to the board of ordnance for taking down the magazine at Greenwich, and erecting a new one elsewhere. 5,000*l.* to the governors of the Foundling hospital, to be issued without any deduction or fee. 44,157*l.* 10*s.* for maintaining, and apprenticing, the children of the said hospital, admitted on or before 8 Feb 1760, to be issued in like manner. 3,127*l.* 10*s.* towards maintenance, &c. of the children admitted into the said hospital, between 8 Feb. and 26 March, 1760, to be issued in like manner. 15,000*l.* for repairing London bridge. 124,736*l.* 7*s.* 1*d.* 2*q.* to make good the deficiency on 5 July, 1759, of the duties upon offices, pensions, houses, and window lights. 84,141*l.* 1*s.* 8*d.* to make good the deficiency on 5 July, 1759, of the subsidy of poundage upon goods imported, and duties upon coffee and chocolate. 8,752*l.* 6*s.* 10*d.* to make good the deficiency on 5 Jan. 1759, of the duties on glass, and spirituous liquors. 7,651*l.* 9*s.* 8*d.* 2*q.* to make good the deficiency on 5 Jan. 1759, of the additional stamp duties, licences for wine, duty on coals, &c. surplus duties on licences for retailing spirituous liquors. 200,000*l.* as a compensation to the provinces in North America, for expences incurred in levying, &c. troops there. 20,000*l.* to the East India company, for defraying the expence of a military force there. 2,977*l.* 7*s.* 8*d.* to reimburse the colony of New York their expences in furnishing provisions, &c. to the troops raised in 1756. 10,000*l.* for supporting the British forts, &c. in Africa. 75,170*l.* 3*d.* 1*q.* to make good the deficiency of the grants for 1759. 3,000*l.* to make good the like sum issued, pursuant to an address of the house, to Jane Hardinge. 2,000*l.* to Jer. Dyson esq. towards defraying the charge of printing the journals of this house, &c. 80,000*l.* for pay and cloathing of the unembodied militia to 25 March 1761. 634*l.* 1*s.* 7*d.* to discharge the interest on 23,800*l.* 11*s.* 11*d.* remaining in the office of ordnance, of the purchase money, appropriated by an act of the last session, for lands, &c. for his Majesty's dock yards at Chatham, Portsmouth, and Plymouth, but unapplied. 11,940*l.* 13*s.* 10*d.* for extraordinary charge of the mint. 2,500*l.* for discharging the claims, &c. on the Perth estate. These aids to be applied to no other uses. Rules to be observed in the application of the half pay Clause in act 32 Geo. 2. Application of the savings of the said sum of 34,367*l.* 1*s.* 10*d.* granted the last session towards half pay. 2,500*l.* claimed on the Perth estate, to be applied as directed by the million act of last session.

C A P. XIX.

An act for the more effectual securing the payment of such prize and bounty monies as were appropriated to the use of Greenwich Hospital, by an act made in the twenty ninth year of the reign of his present Majesty, intituled, An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy.

WHEREAS by an act of parliament made in the twenty ninth year of his present Majesty's reign, intituled, *An act for the encouragement of seamen, and the more speedy and effectual manning his Majesty's navy, it was (amongst other things) enacted, That the flag officers, commanders, and other officers, seamen, marines, and soldiers, on board every ship and vessel of war in his* Preamble, rec-
citing act 29
Geo. 2.

Majesty's pay, should have the sole interest and property of and in all and every ship, vessel, goods and merchandizes, which they should take, from and after the seventeenth day of May, in the year of our lord one thousand seven hundred and fifty six, during the continuance of the war against France (being first adjudged lawful prize in manner therein mentioned) to be divided in such proportion, and after such manner, as his Majesty, his heirs, and successors, should think fit to order and direct by proclamation or proclamations thereafter to be issued for those purposes; and it was by the said act directed, that all appraisements and sales of any ship or ships, goods, wares, or merchandizes, as should be taken by any of his Majesty's ships of war, should be made by agents or persons to be nominated and appointed by the captors as therein mentioned; and that after the sale or sales of such prize or prizes as should be taken from the enemy by any of his Majesty's ships of war, publick notification should be given by the persons or agents appointed, as therein before mentioned, of the day appointed for the payment of the several shares to the captors; after which publick notification, if any mens shares should remain in the hands of such persons or agents, either belonging to such men as should be run from his Majesty's service, or which should not be legally demanded within three years, but then such share or shares so remaining in the persons or agents hands, or belonging to such men as should be run from his Majesty's service, should go and be paid to the use of Greenwich hospital; and by the said act a certain bounty was directed to be paid by the treasurer of his Majesty's navy, as therein is mentioned, unto the officers, seamen, marines, soldiers, or others, that should have been actually on board any of his Majesty's ship or ships, or privateer or privateers, in any action where any ship or ships of war, or privateers, should have been taken from the enemy, sunk, burnt, or otherwise destroyed, since his Majesty declaration of war against France, to be divided in manner, form, and proportion, as by his Majesty's proclamation should be directed; and it was by the said act further directed, that the bill or bills to be made out (as therein is mentioned) for such bounty, should be made payable to such person or persons as should be authorized and appointed by the officers or persons intitled thereto, in such manner as is therein before directed for the nominating and appointing agents for appraisements and sales to be made as therein before is mentioned, the same to be distributed and divided, by the person or persons so authorized and appointed, amongst the captors, in such manner, form, and proportions, as is therein before mentioned; and that the several shares of such captors, if not legally demanded within three years after publick notification, and also of such as should be run from his Majesty's service, should be applied to the use of the said hospital: and whereas no time is limited, or particular method prescribed, by the said act, for the giving notifications of the day appointed for the payment of the shares of prizes, nor is any express direction given for the notification of the day of payment of the shares of such bounty money as aforesaid; and many agents have neglected to specify in the notification by them given in the London Gazette, for payment of shares of prizes condemned in the high court or other courts of admiralty in Great Britain, the particular day or time when such payments were to commence,

mence, whereby it is very difficult, if not impossible, to ascertain the time when the said hospital becomes intitled to the unclaimed shares, by means whereof the said hospital cannot have the full benefit intended by the said recited act; for remedy whereof, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the first day of September, in the year of our Lord on' thousand seven hundred and sixty, all notifications by the said act required to be given of the payment of the shares of prizes taken, or to be taken, from the enemy by any of his Majesty's ships or vessels of war, and condemned, or to be condemned, in *Great Britain*; and from and after the first day of February one thousand seven hundred and sixty one, all notifications by the said act required to be given of the payment of the shares of prizes taken, or to be taken, from the enemy, and condemned, or to be condemned, in any other of his Majesty's dominions in *Europe*, or in any of his Majesty's plantations in *America*; and from and after the twenty fifth day of December one thousand seven hundred and sixty one, all notifications by the said act required to be given of the payment of the shares of prizes taken, or to be taken, from the enemy, and condemned, or to be condemned, in any other of his Majesty's dominions; shall be respectively given and published in such manner as is herein after mentioned (that is to say) if the prize or prizes shall have been, or shall be condemned, in his Majesty's high court or other court of admiralty in *Great Britain*, then the person or persons, agent or agents appointed, or to be appointed, in pursuance of the said act for the appraisement and sale of such prize or prizes, shall insert and publish, or cause to be inserted and published, such notification under his or their hand or hands respectively in the *London Gazette*; and if condemned in any court or courts of admiralty in any other of his Majesty's dominions, then such person or persons, agent or agents as aforesaid, shall insert and publish, or cause to be inserted and published, such notification under his or their hand or hands respectively in the gazette, or some other news paper of publick authority, of the island or place where the prize or prizes shall have been, or shall be, condemned; and if there shall be no gazette or such news paper published there, then in some or one of the most publick news papers of such island or place for the time being; and all persons or agents publishing, or causing to be published, every such notification respectively, shall deliver to the collector, customer, or searcher for the time being of his Majesty's customs residing at, or belonging to, the port or place where the prize or prizes shall have been, or shall be, condemned, or the lawful deputy or deputies of such collector, customer, or searcher, and if there shall be no such collector, customer, or searcher, then such persons or agents as aforesaid shall deliver to the principal officer or officers of the port or place where the prize or prizes shall have been, or shall be, condemned, or to the lawful deputy or deputies

From and af-
ter 1 Sept.
1760, all noti-
fications of the
payment of
shares of
prizes con-
demned in
Great Britain;
and from and
after 1 Feb.
1761, all noti-
fications of
those con-
demned in any
other of the
British domi-
nions in Eu-
rope or Ame-
rica, ,
and from and
after 25 Dec.
1761, of those
condemned
elsewhere;
are to be in-
serted, &c. by
the agents, if
condemned in
Great Britain,
in the *London*
gazette;
and, if con-
demned in any
other of the
King's domi-
nions, in the
gazette, or
other news
paper of the
place of pub-
lic authority;
and where
there are
none, then in
one of the
most publick
news papers
of the place;
and two of
the said ga-
zettes, or
news papers,
are to be de-
livered by
them to the

collector, or other principal officer of the port; and if there shall be no publick news paper, they are then to deliver two notifications in writing; which are to be signed by the collector, or other principal officer; one whereof is to be transmitted, by the first ship, to the treasurer of Greenwich hospital, and to be registered there; and the other to be kept in his custody. The agent's place of abode, and the day and year appointed for payment of the shares, to be inserted in every notification; and those condemned in Great Britain, to be published 3 days, and those in other parts, to be delivered to the collector, &c. 3 days also before payment is made of any of the shares. 3 days previous notice also to be published in like manner by the agents in the London gazette, of the distribution of any bounty bills.

of such principal officer or officers, two of the gazettes or other news papers, in which such notifications shall be so inserted and published; and if there shall not be any publick news papers in any such island or place, then such person or persons, agent or agents, shall give two such notifications in writing, under his or their respective hand or hands, to the said collector, customer, or searcher, or the deputy or deputies of such collector, customer, or searcher, or where there shall be no such collector, customer, or searcher, to such principal officer or officers, or his or their deputy or deputies aforesaid; and every such collector, customer, or searcher, and principal officer or officers, or such deputy or deputies, shall subscribe his or their name or names on some conspicuous part of both the said gazettes, news papers, or written notifications respectively, and by the first ship which shall sail (after his or their receipt of such gazettes, news papers, or written notifications respectively) from such port or place to any port of *Great Britain*, shall transmit or send to the treasurer of the said royal hospital, or the deputy of such treasurer for the time being, one of the said gazettes, news papers, or written notifications, with his or their name or names so subscribed to and upon the same respectively, to be there registered; and shall faithfully preserve and keep the other of the said two gazettes, news papers, or written notifications, with his or their name or names thereon subscribed as aforesaid, in his or their custody; and that in every such printed or written notification, as aforesaid, the said person or persons, agent or agents, shall insert or specify his or their place or places of abode, and the precise day of the month and year appointed for the payment of the several and respective shares of the prize or prizes to the captors: and all such notifications with respect to prizes condemned, or to be condemned, in *Great Britain*, shall be published in the *London Gazette* three days at least before any part or parts, share or proportion of any such prize or prizes shall be paid to any person or persons intitled thereto; and all such notifications with respect to prizes condemned, or to be condemned, in any other part of his Majesty's dominions, shall be delivered to the said collector, customer, or searcher, or principal officer or officers aforesaid respectively, or such respective deputy or deputies, three days at least before any part or parts, share or proportion of any such prize or prizes shall be paid to any person or persons intitled thereto.

II. And be it further enacted by the authority aforesaid, That from and after the first day of *September* one thousand seven hundred and sixty, all and every person and persons, agent and agents, appointed or to be appointed in pursuance of the said act, by the flag officers or flag officer, captains or captain, officers, or officer, ships companies or ship's company, and others of any of his Majesty's ships or vessels of war, for the distribution of any bounty bill or bills, given or granted by virtue of the said act, shall insert and publish, or cause to be inserted and published, under his or their hand and hands, in the *London Gazette*, three days

at least before the payment or distribution of any such bounty bill, or bounty bills, publick notification of the precise day of the month and year appointed for the payment of such bounty money, and shall insert in every such notification the place or places of his or their abode.

III. And be it further enacted by the authority aforesaid, That in all cases where any publick notification hath, during the present war, been given, or shall be given, before the respective times herein before mentioned for the giving of notifications in *Great Britain*, and other parts of his Majesty's dominions, of the payment of any prize or bounty money in respect of any of his Majesty's ships or vessels of war, and the particular and precise day whereon such payment did or shall commence, and the name or names, and place or places of abode, of the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of any such prize or prizes, or distribution of any such bounty money, was not, or shall not be set forth and specified in such publick notification; the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of every such prize or prizes condemned, or to be condemned, in his Majesty's high court, or other court of admiralty in *Great Britain*, or for the distribution of any such bounty money, shall, on or before the twenty fifth day of *December* one thousand seven hundred and sixty; and the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of every such prize or prizes condemned, or to be condemned, in any court or courts of admiralty in any other of his Majesty's dominions in *Europe*, or in any of his Majesty's plantations in *America*, shall, on or before the first day of *June* one thousand seven hundred and sixty one; and the person or persons, agent or agents, appointed or to be appointed for the appraisement and sale of every such prize or prizes condemned, or to be condemned, in any other of his Majesty's dominions, shall, on or before the twenty fifth day of *March* one thousand seven hundred and sixty two; respectively give notification under his or their hand or hands respectively, of the precise day of the month and year appointed for the payment of the shares of such prize or bounty money respectively; and shall specify in every such notification his or their place or places of abode: and all such notifications shall be published, or given and delivered, attested and transmitted, by and to such person and persons, and in such manner, as the notifications to be published or given, after the said first day of *September* one thousand seven hundred and sixty, the first day of *February* one thousand seven hundred and sixty one, and the twenty fifth day of *December* one thousand seven hundred and sixty one, respectively, are herein before directed and required to be published, or given and delivered, attested and transmitted.

IV. And be it further enacted by the authority aforesaid, That if any person or agent, appointed or to be appointed for appraisement or sale of any prize or prizes taken or to be taken

Where public notification hath been, or shall be given, of the payment of prize or bounty money, but the day of commencement of the payment, and the agent's name and abode hath not, or shall not be specified; such agents for prizes condemned in *Great Britain*, or for the distribution of the bounty money, are on or before 25 Dec. 1760; and for those condemned in any other of the British dominions in *Europe* or *America*, on or before 1 June, 1761; and for those elsewhere, on or before 25 March, 1762; to give notification of the day and year appointed for such payments, and to specify also their place of abode; the said notifications to be delivered, attested, and transmitted, as before directed.

Agents neglecting or refusing to publish or deliver any such notification,

from the enemy by any of his Majesty's ships or vessels of war, or for the distribution of any bounty money, shall neglect or refuse to publish, give, or deliver, any notification directed or required by the said former act or this act to be published, given, or delivered, or shall not publish, give, or deliver, any such notification for such space, before the payment of any part of such prize or bounty money, or within the times herein before respectively limited, or in the manner herein before appointed, or shall not set forth and specify therein, the matters and things herein before directed to be specified and set forth, every such person or agent shall, for every such offence, forfeit and pay the sum of one hundred pounds, over and above all penalties and forfeitures inflicted or imposed by the said former act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record in *Great Britain or America*, or elsewhere, in any of his Majesty's dominions, in which no esoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed: and if any collector, customer, or searcher, of his Majesty's customs, or principal officer or officers, or such deputy or deputies as aforesaid, shall neglect or refuse to receive or to attest, or shall not transmit or send any such gazette, news paper, or written notification as aforesaid, in such manner as is before directed, every such collector, customer, or searcher, principal officer or officers, or such deputy or deputies, so offending, shall, for every such offence, forfeit the sum of one hundred pounds, to be sued for and recovered in the same manner as the above penalty is directed to be sued for and recovered.

forfeit 100l. over and above all penalties, &c. inflicted by the former act;

and collectors, &c. refusing to attest or transmit the same, forfeit 100l. also.

The notifications so transmitted, attested, and registered,

deemed sufficient evidence of the identity of the agents.

* V. And be it further enacted by the authority aforesaid, That the notifications in all such gazettes, news papers, and in writing respectively, as aforesaid, which shall be so transmitted and attested by such collector, customer, or searcher, or principal officer or officers, or such deputy or deputies as aforesaid, and registered at the said royal hospital, on proof of the hand writing of such collector, customer, searcher, principal officer or officers, or deputy or deputies, from time to time, and at all times, shall be good and sufficient evidence in all his Majesty's courts of law and equity, that the person or persons whose name or names is or are therein set forth and specified as the agent or agents for the prize or prizes therein respectively mentioned, is or are such agent or agents.

VI. And whereas no provision is made by the said recited act to oblige the registers of the admiralty courts in *Great Britain*, duly to register, or keep proper lists or accounts of letters of attorney exhibited or delivered to them to be registered: and whereas it will tend to the benefit of the said hospital if such letters of attorney were duly registered, and copies of such registers transmitted to the treasurer of the said hospital; be it therefore enacted by the authority aforesaid, That from and after the twenty ninth day of *September* one thousand seven hundred and sixty, the register or registers of his Majesty's high court of admiralty, and of all other courts of admiralty in

All letters of attorney exhibited by agents, are to be duly registered by the

Great

Great Britain, shall, from time to time, duly enter and register, or cause to be entered or registered, in one or more book or books to be by him or them kept for that purpose only, all letters of attorney that shall be exhibited or delivered to them after the said twenty ninth day of *September* one thousand seven hundred and sixty, by any agent or agents for any prize or prizes taken or to be taken by any of his Majesty's ships or vessels of war, or by any agent or agents, for the receipt and distribution of any bounty bill or bills, within fourteen days after the same shall be so exhibited or delivered to such register or registers at his or their respective offices; which registry shall contain the day of delivery and entry, the dates of the letters of attorney, the names and places of abode of the agents, the names of the prizes taken, or of the ships of war or privateers of the enemy, taken, burnt, sunk, or otherwise destroyed, together with the names of the ships or vessels by which such prizes shall have been taken, or by which such ships of war or privateers of the enemy shall have been taken, burnt, sunk, or otherwise destroyed; and the said register or registers shall, on the twenty sixth day of *March*, and the thirtieth day of *September*, or within forty days thereafter, in every year, transmit or deliver unto the treasurer of the said hospital, or to the lawful deputy of such treasurer for the time being, a true copy or transcript under his or their hand or hands of all such entries as aforesaid, within the preceding half year; and if such register or registers shall neglect or refuse to make and keep such entries, or to transmit or deliver such copies thereof as aforesaid, within the respective times herein before limited for that purpose, he or they shall, for every such offence, forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record, in which no essoin, protection, privilege, wager of law, or more than one imparlance, shall be allowed.

registers of
the admiralty
courts, within
14 days after
being exhibit-
ed,

and transcripts
thereof to be
transmitted
by them, half-
yearly, to the
treasurer of
the hospital,

on penalty of
forfeiting 100l.

VII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures given and granted by this act, shall be applied, one moiety to the informer or informers, and the other moiety to the use of the said royal hospital.

One moiety of
all forfeitures
to go to the
informer, and
the other to
the use of the
hospital.

VIII. And be it further enacted by the authority aforesaid, That all penalties and forfeitures, and parts of penalties and forfeitures given or to be given to the use of the said royal hospital by this present act, or any other act or acts of parliament, shall and may be sued for and recovered in the name of the master or governor, or of the lieutenant or deputy governor for the time being of the said hospital.

Those given to
the use of the
hospital, may
be sued for in
the name of
the master,
governor, or
deputy gover-
nor.

C A P. XX.

An act to enforce and render more effectual the laws relating to the qualification of members to sit in the house of commons.

Preamble, reciting clauses in act 9 Anne,

WHEREAS by an act passed in the ninth year of the reign of her late majesty Queen Anne, intituled; An act for securing the freedom of parliaments, by the farther qualifying the members to sit in the house of commons, it was enacted, That no person should be capable to sit or vote, as a member of the house of commons for any county, city, borough, or cinque port, within the part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, who should not have an estate freehold or copyhold, for his own life, or for some greater estate, either in law or equity, to and for his own use and benefit, of or in lands, tenements, or hereditaments, over and above what would satisfy and clear all incumbrances that might affect the same, lying or being within in that part of Great Britain called England, the dominion of Wales, and town of Berwick upon Tweed, of the respective annual value therein limited; videlicet, The annual value of six hundred pounds, above reprises, for every knight of a shire; and of the annual value of three hundred pounds, above reprises, for every citizen, burghess, or baron of the cinque ports: now, in order to enforce and render the said act more effectual, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the determination of this present parliament, every person, except as is herein after excepted who shall be elected a member of the house of commons, shall before he presumes to vote in the house of commons, or there during any debate in the said house of commons, after their speaker is chosen, produce and deliver in to the clerk of the said house, at the table in the middle of the said house, and whilst the house of commons is there duly sitting, with the speaker in the chair of the said house, a paper or account signed by every such member, containing the name or names of the parish, township, or precinct, or of the several parishes, townships, or precincts, and also of the county, or of the several counties, in which the lands, tenements, or hereditaments, lie, whereby he makes out his qualification, declaring the same to be of the annual value of six hundred pounds, above reprises, if a knight of a shire; and of the annual value of three hundred pounds, above reprises, if a citizen, burghess, or baron of the cinque ports; and shall also, at the same time, take and subscribe the following oath; videlicet,

All members in future parliaments (not particularly excepted) before they act, are to deliver in at the table, while the house is sitting, a signed schedule of their respective qualifications,

and take and subscribe the following oath,

I A. B. do swear, That I truly and bona fide have such an estate in law or equity, and of such value, to and for my own use and benefit, of or in lands, tenements, or hereditaments, over

above what will satisfy and clear all incumbrances that may affect the same, as doth qualify me to be elected and returned to serve as a member for the place I am returned for, according to the tenor and true meaning of the acts of parliament in that behalf; and that such lands, tenements, or hereditaments, do lie as described in the paper of account signed by me, and now delivered to the clerk of the house of commons.

So help me God:

and the said house of commons is hereby impowered and required to administer the said oath and subscription, according to the directions of this act, as occasion shall be, from time to time, to every person duly demanding the same, immediately after such person shall have taken the oaths of allegiance, supremacy, and abjuration, at the said table: and the said oath and subscription herein before directed to be taken and made, shall be entered in a parchment roll, to be provided for that purpose by the clerk of the house of commons; and the said papers or accounts so signed and delivered in to the said clerk as aforesaid, shall be filed and carefully kept by him.

II. And be it further enacted by the authority aforesaid, That any person, who shall be elected to serve in any future parliament as a knight of a shire, or as a citizen, burgess, or baron of the cinque ports, shall presume to sit or vote as aforesaid as a member of the house of commons, before he has delivered in such paper or account, and taken and subscribed such oath as aforesaid, or shall not be qualified according to the true intent and meaning of the said recited act, and of this act; his election shall be and is hereby declared to be void, and a new writ shall be issued to elect another member in the said person's room.

III. Provided always, That nothing in this act contained shall extend to the eldest son or heir apparent of any peer or lord of parliament, or of any person qualified to serve as a knight of a shire, or to the members for either of the universities in that part of *Great Britain* called *England*, or to the members for that part of *Great Britain* called *Scotland*.

CAP. XXI.

An act for granting to his Majesty a certain sum of money out of the sinking fund, for the service of the year one thousand seven hundred and sixty.

Example. 2,602,706 l. 9 s. 9 d. granted to his Majesty out of the sinking fund. Clause of loan. Tallies of loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference, where tallies are dated or brought the same day: nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury impowered to prepare any number of new exchequer bills, containing one common sum, of different sums, in the principal monies. Clauses in the land tax act relating to exchequer bills, extended to this. Bills discharged to be cancelled. The bank of England authorized to advance the said sum of 2,602,706 l. 9 s. 9 d. notwithstanding the act of 5 & 6 Will & Mary.

CAP. XXII.

An act for limiting, confining, and better regulating, the payment of the weekly allowances made by act of parliament, for the maintenance of families unable to support themselves during the absence of militia men, embodied and ordered out into actual service; and for explaining so much of an act made in this session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters, as relates to the militia when embodied and in actual service; and for explaining and amending certain parts of the laws now in force, for the better ordering of the militia forces in that part of Great Britain called England.

Preamble, reciting clauses in act 31 Geo. 2.

Overseers to pay out of the poor rates, by order of some justice, a weekly allowance to the distressed families of militia men embodied and called out into actual service, proportionate to the usual price of labour in husbandry with-

WHEREAS by an act passed in the thirty first year of his Majesty's reign, intituled, An act to explain, amend, and enforce an act, for the better ordering of the militia forces in the several counties of that part of Great Britain called England; it is enacted, That when any militia man shall be ordered out into actual service, leaving a family not of ability to support themselves during his absence, the overseer or overseers of the parish where such family shall reside, shall allow to such family such weekly allowance for their support, until the return of such militia man, as shall be ordered by any one justice of the peace; such allowance to be reimbursed out of the county stock by the treasurer of the county, and that such treasurer shall be allowed the same in his accounts: and whereas under the authority of the said act, sundry payments have been made to such families exceeding the sums necessary for their support: and whereas many persons having large families, have been accepted and inrolled as substitutes, hired men, or volunteers in the militia, and are now in actual service; in consequence whereof, larger sums have been raised and paid for the purpose aforesaid, than necessity required: for remedy whereof; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That if any militia man who shall have been accepted and inrolled as a substitute, or as a hired man, or as a volunteer, before the passing of this act; or if any militia man who shall have been chosen by lot, whether before or after the passing of this act, shall, when embodied and called out into actual service, and ordered to march, leave a family unable to support themselves, the overseer or overseers of the poor of the parish, tything, or township, where the family of such militia man shall dwell, shall, by order of some one justice of the peace, out of the rates for the relief of the poor of such parish, tything, or township, pay to such family a weekly allowance according to the usual and ordinary price of labour in husbandry, within the county, riding, division, district, or place, where such family shall dwell, by the follow-

following rule; that is to say, For one child under the age of in the county, ten years, the price of one day's labour; for two children under the age afore said, the price of two days labour; for three or four children under the age afore said, the price of three days labour; for five or more children under the age afore said, the price of four days labour; and for the wife of such militia man, the price of one day's labour: and in every parish, tything, or township, where the money arising by such rates shall not be sufficient for the purpose afore said, a new rate or rates shall be made for raising a sum sufficient for that purpose; and every such weekly allowance shall be forthwith reimbursed to the overseer or overseers of such parish, tything, or township, by the treasurer of the county, riding, or place, where such parish, tything, or township shall be situate, out of the publick stock. and the number and age of the children; and where the said rates shall be insufficient, a new rate is to be made; and the overseers are to be reimbursed forthwith out of the county stock.

II. Provided always, That no family of any militia man, who shall not have been chosen by lot (except the families of such substitutes, hired men, or volunteers, who shall have been accepted and inrolled before the passing of this act) shall, after the passing of this act, be intitled to, or receive any such weekly allowance.

teers, already inrolled, are intitled to such

III. And be it enacted, That the treasurer of every county, riding, and division shall, and is hereby required to keep exact and distinct accounts of all the monies that shall have been so by him reimbursed to such overseer or overseers as afore said, in pursuance of the directions of this act; and shall, at the end of every seven calendar months, return the said accounts, together with the accounts which he shall have received from the several treasurers of the cities, towns, liberties, or places, to the office of the treasurer's remembrancer of the court of exchequer.

every 7 months.

IV. Provided always, and be it enacted, That in all cities, towns, liberties, divisions, and places, which are not liable to contribute to county rates by virtue of an act made in the twelfth year of his Majesty's reign, intituled, *An act for the more easy assessing, collecting, and levying of county rates*; the justices of the peace for every such city, town, liberty, division, and place, at any sessions or meeting, or the greater part of them then and there assembled, may and shall appoint a treasurer, and shall assess upon every parish, tything, township, hamlet, or vill, within the limits of their respective jurisdictions, in such proportions as the rates heretofore made for the relief of the poor have been usually assessed, and shall cause to be paid out of the money collected and levied for the relief of the poor of every such parish, tything, township, hamlet, or vill, into the hands of such treasurer, such sum or sums of money as they in their discretion shall think sufficient for reimbursing to the overseer or overseers of the several parishes, thythings, townships, hamlets, or vills, within the limits of their respective jurisdictions, the amount of the weekly allowances paid by such overseer or overseers to the

The families only of such men as shall be chosen by lot, and of the substitutes, hired men, and volunteers.

Treasurer of the county to keep and return an account of the monies reimbursed by him, or other treasurers, to the overseers, into the exchequer

Where any city or place shall not be liable by act 12 Geo 2. to contribute to county rates, the justices may appoint a treasurer, and assess each parish, &c. proportionate to their usual poors rate, in a sum sufficient to reimburse to the overseers the weekly allowances paid by them.

The treasurer to keep and transmit an account of the monies so received and paid by him, to the treasurer of the county every 6 months.

Treasurer of the city, &c. of Lincoln, to transmit his accounts to

Where treasurers shall reimburse to overseers any money on account of the weekly allowance to the families of militia men, serving in any county other than that wherein such families dwell, they are to transmit an account thereof, signed by a justice, to the treasurer of the county wherein such men serve, and he is to reimburse them the same.

The pay of all regiments and battalions, to which commissions for field officers were not assigned before 1 May, 1760, and of all independent companies now embodied and in actual service, when

the families of the militia men residing within their respective jurisdictions as aforesaid; and every such treasurer shall forthwith reimburse the same to every such overseer or overseers accordingly: and such treasurer is hereby required to keep exact and distinct accounts of all the monies that shall have been so paid into his hands, and so by him reimbursed to such overseer or overseers as aforesaid; and shall, at the end of every six calendar months, transmit the said accounts to the treasurer of the county or riding of which such city, town, liberty, division, and place, is, by an act made in the thirtieth year of the reign of his present Majesty, intituled, *An act for the better ordering of the militia forces in the several counties of that part of Great Britain called England*, united with and made part of, for the purposes of the said act.

V. Provided, That the treasurer of the city of *Lincoln*, and county of the said city, shall transmit his accounts to the treasurer of the division of *Lindsey* within the county of *Lincoln*.

VI. Provided always, and be it enacted, That the treasurer of any county, riding, city, town, liberty, division, or place, within the part of *Great Britain* aforesaid, who shall, after the passing of this act, reimburse to any overseer or overseers of the poor of any parish, tything, township, hamlet, or vill, any sum or sums of money in pursuance of the directions of this act, on account of the weekly allowance to the family of any militia man serving in the militia of any county, riding, city, town, liberty, division, or place, other than the county, riding, city, town, liberty, division, or place, where such family shall dwell, shall deliver or transmit an account of such money as he shall have so reimbursed, as aforesaid, signed by one or more justice or justices of the peace for the county, riding, city, town, liberty, division, or place, where such family shall dwell, to the treasurer of the county, riding, city, town, liberty, division, or place, in the militia whereof such militia man shall serve; and thereupon the treasurer to whom such account shall have been delivered or transmitted as aforesaid, shall, and is hereby required, to pay to the treasurer who shall have so delivered or transmitted such account, the sum or sums so by him reimbursed to such overseer or overseers, and shall be allowed the same in his accounts.

VII. And, for avoiding all unnecessary expences on account of the pay of the officers of militia when embodied and called out into actual service, be it enacted, That the pay of every regiment or battalion of militia, to which the commissions for field officers have not been issued and given, pursuant to the directions of the several acts of parliament for the better ordering the militia forces in the several counties of that part of *Great Britain* called *England*, before the first day of *May*, one thousand seven hundred and sixty, and of every independent company of militia now embodied and in actual service, when it shall, after its return home, and discharge from such actual service, be again embodied and called out into actual service, shall be issued and

and paid according to the following establishment; that is to the same shall say, The field officers of a regiment (which, when embodied return home and in actual service, shall in no case consist of more than twelve from such service, and be companies, nor less than eight companies, of eighty private men again embodied and called at the most, and sixty private men at the least) intitled to pay, ed and called shall be one colonel, one lieutenant colonel, and one major; out to be according to the following establishment, viz. and where the number of private men shall amount to five companies, or to any number under eight companies, such militia To every regiment of 12 or 8 companies, shall be formed into a battalion, with one lieutenant colonel and 1 colonel, one major, and no other field officer intitled to pay; and where 1 lieutenant colonel, and the number of private men shall amount to three companies, or 1 major; to every battalion of 5 or more companies, to any number under five companies, such militia shall also be 1 lieutenant colonel, and 1 major; and in each regiment or battalion of militia, there shall be intitled to pay a number of captains, lieutenants, and ensigns, equal to the number of companies in such regiment or battalion (grenadier companies excepted, viz. 1 lieutenant colonel, and 1 major; and to every interior battalion, 1 lieutenant colonel, and 1 major; and to every company; and in every county, riding, and place, and in every city and town, being a county, within the part of *Great Britain* equal to the number of companies in each; and in the isle of *Wight*, and in the town of *Berwick upon Tweed*, where the number of private militia men shall not be sufficient to form a regiment or a battalion, according to the (except grenadier companies, wherein are to be 1 captain and 2 lieutenants) staff-officers: take place therein; and the militia thereof, and the officers of such militia, shall, when embodied and in actual service, be intitled to pay accordingly; that is to say, The militia of such counties, ridings, places, cities, and towns, and of the said isle of *Wight*, shall be formed into independent companies, each 1 adjutant, 1 quarter-master, and 1 surgeon. company consisting of eighty private men at the most, and sixty private men at the least; and to every such company there shall be intitled to pay, one captain, one lieutenant, and one ensign, 1 serj. major, 1 drum-major, with serjeants, corporals, and drums. and a number of serjeants and corporals equal to the number herein before allowed to a company of militia: and it shall be lawful for his Majesty, his heirs, and successors, to join together any number of such independent companies, and therewith to form a battalion or battalions, or to incorporate them with any regiment or battalion, regiments or battalions, of militia, but so as the number of companies in any such regiment or battalion do not exceed, or fall short of, the number of companies of which a regiment or battalion of militia is herein before respectively allowed to consist. To the independent companies of the isle of *Wight*, and other places, 1 captain, 1 lieutenant, 1 ensign, with

serjeants and corporals. Independent companies may be formed into battalions, or incorporated with other regiments, &c.

VIII. And whereas doubts have arisen, whether a lieutenant of any county, riding, or place, can serve as a colonel in the militia for such

Lieutenants of counties may act as colonels, where no colonel shall be appointed; but not to more than 1 regiment or battalion;

and is to receive pay as lieutenant colonel only, when serving with any battalion embodied and called out; and no other person to serve or be intitled to such pay, during such time.

So many officers now embodied and in service, as exceeds the number upon the establishment of pay; may be exempted from service, as shall

Lieutenants or inferior commissions may be granted to adjutants, tho' they want a legal qualification; and they are indemnified for holding the same.

Where the men of any city or town shall not be sufficient to form a company, they are to be deemed part

of such county, riding, or place, be it therefore declared and enacted by the authority aforesaid, That it shall be lawful for the lieutenant of any county, riding, or place, to act as a colonel of any regiment or battalion of militia for such county, riding, or place, for and during such time or times as there shall not be any colonel appointed for the command of the same regiment or battalion; but no lieutenant shall at any one time act as a colonel to more than one regiment or battalion.

IX. Provided always, and be it enacted, That where his Majesty's lieutenant of any county, riding, or place, within the part of Great Britain aforesaid, shall, under the powers given by this act, serve as colonel to any body of militia by this act deemed a battalion, he shall not, when such battalion shall be embodied and in actual service, be intitled to or receive any other pay than that of a lieutenant colonel; and that no other person whatsoever shall serve, or be intitled to pay, as a lieutenant colonel in such battalion, during the time that his Majesty's said lieutenant shall serve therein as colonel; any thing herein contained to the contrary notwithstanding.

X. And be it enacted, That where the number of officers in any regiment, battalion, or independent company of militia, now embodied and in actual service, exceeds the number by this act intitled to pay under the establishment aforesaid, such and so many of them of each respective rank exceeding the number so intitled to pay, shall, within two months after the passing of this act, be exempted from actual service, as shall desire so to be; and no officer so exempted shall be intitled to or receive any pay as an officer of the militia.

desire it; but they are not to be intitled to pay.

XI. And whereas it might conduce to the better disciplining of the militia, if the adjutant of each regiment or battalion was allowed to be a commissioned officer in the regiment or battalion to which he belongs, be it therefore enacted by the authority aforesaid, That from and after the passing of this act it shall and may be lawful for his Majesty's lieutenant of any county, riding, or place, to grant unto the adjutant of each regiment or battalion a commission of lieutenant, or any inferior commission therein, if he shall think fit, although such adjutant shall not have the qualification mentioned in this or any former act; and such adjutant shall be and is hereby freed and discharged from all penalties and forfeitures for taking and holding such commission, or acting as a commissioned officer in such regiment or battalion, without having such qualification; any thing herein, or any former act or acts, to the contrary notwithstanding.

XII. Provided always, and be it enacted, That if the number of private militia men within any such city or town, as aforesaid, shall not be sufficient to form one company according to the establishment aforesaid, then, and in such case, the private militia men of such city or town shall be and be deemed part of, and shall serve in, some company or companies of the militia of the county or riding to which such city or town is, by an act made

made in the thirtieth year of his Majesty's reign, intituled, *An act for the better ordering of the militia forces, in the several counties of that part of Great Britain called England*, united, for the purposes therein mentioned; and the deputy lieutenants and justices of the peace of and for the county or riding to which such city or town is so united, as aforesaid, shall, in such case, have full power and authority to act within such city or town, with respect to such matters only as shall relate to the militia thereof, in the same manner, and to all intents and purposes, as they are by law impowered and required to act, with respect to the militia of any other part of such county, riding or place; any thing herein, or in any other act, contained to the contrary notwithstanding.

XIII. *And whereas some doubt hath arisen, whether certain provisions contained in an act made in this present session of parliament, intituled, An act for punishing mutiny and desertion, and for the better payment of the army and their quarters, do at any time, or in any case, extend to the officers of the militia and private militia men*; it is hereby declared and enacted, That from the time that any regiment, battalion, or independent company of militia shall be drawn out and embodied, until they shall be returned again, by order of their commanding officers, to their respective parishes or places of abode, all the provisions contained in the said act relating to officers and soldiers mustered, listed, or in pay in his Majesty's service, do and shall equally extend to, and take place, in respect of the officers and private militia men of every such regiment, battalion, or independent company of militia respectively, excepting only as to such particulars as are or shall be otherwise specially provided for by any act or acts of parliament for regulating the militia forces within that part of Great Britain aforesaid.

XIV. *And whereas by a clause in an act made in the last session of parliament, intituled, An act for enforcing the execution of the laws relating to the militia; and for removing certain difficulties, and preventing inconveniencies attending, or which may attend, the same*; it is enacted, That one half of the estates thereby respectively required for the qualification of the deputy lieutenants, and of the captains, lieutenants, and ensigns, of the militia in the isle of Ely, in the county of Cambridge, shall be situate or arising within the said isle, from which provision some inconvenience has been found to arise; for remedy whereof, be it enacted by the authority aforesaid, That so much of the said clause as requires that one half of such estates shall be situate or arising within the said isle of Ely, be, and the same is hereby repealed; and that one half of the estates by the said recited act respectively required for the qualification of the deputy lieutenants, and of the captains, lieutenants, and ensigns of the militia, in the said isle of Ely, shall be situate or arising within the said isle; or some other part of the county of Cambridge: and in case any person shall act as a deputy lieutenant, or as a captain, lieutenant, or ensign of the militia, in the said isle, who

of, and to serve in, some company of the county, &c. to which such city or town is, by act 30 Geo 2 united; and the deputy lieutenants and justices may act therein, as they may do in any county, with respect to the militia thereof.

All the provisions in the mutiny act

are to extend equally to the militia while drawn out and embodied, as to the King's regular forces; excepting wherein it is otherwise specially provided for by any of the militia acts.

The clause in the act 32 Geo. 2. enacting, that one half of the qualification of deputy lieutenants and officers for the isle of Ely, shall lie within the said isle, is repealed; and the same may lie either in Ely or Cambridge-shire;

but the penalty of acting not being qualified, is the

same as with-
in any other
county.

shall not be respectively qualified in such manner as by the said recited clause (so far as the same is not hereby altered) and by this act is required, every such person shall be subject and liable to the same penalties and forfeitures as any person is subject and liable to for acting as a deputy lieutenant or officer of the militia, within any other county or place in *England*, without being qualified according to the acts of parliament now in force relating thereto.

C A P. XXIII.

An act for enabling his Majesty to raise a certain sum of money towards paying off and discharging the debt of the navy; and towards naval services, for the year one thousand seven hundred and sixty.

Preamble. Credit of loan granted to his Majesty for raising 1,500,000 l. Treasury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans or exchequer bills thereby to be made out. The clauses, &c. in the said act relating to loans or exchequer bills, extended to the loans or exchequer bills to be made forth in pursuance of this act. The exchequer bills so made forth, and issued to the treasurer of the navy, not to be received again in payment of any tax, nor exchanged before 6 March, 1761. nor may any action lie for such refusal. The principal and interest, with the charges attending, to be paid out of the next supplies; and if none sufficient be granted before 5 July 1761, they are then to be paid out of the sinking fund; and the monies so issued are to be replaced out of the first supplies. The bank empowered to advance on the said credit of loan, any sum or sums not exceeding 1,500,000 l. the act of 5 & 6 W. & M. notwithstanding. Appropriation of the said money; viz. 1,000,000 l. towards discharging the navy debt; and 500,000 l. towards naval services in general.

C A P. XXIV.

An act for applying the money granted in this session of parliament, towards defraying the charge of pay and cloathing of the unembodied militia, for one year, ending the twenty fifth day of March, one thousand seven hundred and sixty one; and for explaining certain parts of the acts for the better ordering of the militia forces within that part of Great Britain called England, relating to the money to be given to private militia men, upon their being ordered out into actual service; and to the cloaths of private militia men; and to the time of the commencement of the pay of the embodied militia.

Preamble.

WHEREAS the sum of eighty thousand pounds has been granted to his Majesty, upon account, towards defraying the charge of pay and cloathing for the unembodied militia, from the twenty fifth day of March, one thousand seven hundred and sixty, to the twenty fifth day of March, one thousand seven hundred and sixty one: in order therefore that the charge of pay and cloathing for such militia may be duly and properly defrayed and satisfied, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled,
and

and by the authority of the same, That within ten days after that his Majesty's lieutenant, or, in his absence, any three deputy lieutenants of any county, riding, or place, within that part of *Great Britain* called *England*, where pay has not yet been issued for the militia according to law, shall have certified to the commissioners of his Majesty's treasury, or high treasurer for the time being, that three fifths of the number of private militia men of any regiment, battalion, or independent company of the militia, of such county, riding, or place, have been chosen and enrolled, and that the like proportion of the number of the commission officers of such regiment, battalion, or independent company, have been appointed, and have taken out their commissions, and entered their qualifications as is by law required, his Majesty's said lieutenant, or, in his absence, the said three deputy lieutenants, shall also certify the same to the receiver or receivers general of the land tax for such county, riding, or place; and when any regiment, battalion, or independent company of the militia, of any county, riding, or place, within the part of *Great Britain* aforesaid, that shall have been embodied and called out into actual service, shall be disembodied and returned home by order of their commanding officers, and thereby be no longer intitled to the same pay as the officers and private men in his Majesty's other regiments of foot receive, his Majesty's lieutenant of the county, riding, or place, to which such regiment, battalion, or independent company shall belong, or, in his absence, any three deputy lieutenants, shall certify to the receiver or receivers general of the land tax for such county, riding, or place, that such regiment, battalion, or independent company, is disembodied and returned home as aforesaid; upon receipt of which certificate, such receiver or receivers general of the land tax shall issue and pay the whole sums required for the several uses herein after mentioned; that is say, For the pay of the said militia, for four calendar months in advance from the date of such certificate, at the rate of six shillings a day for each adjutant, where an adjutant is by this act allowed; and at the rate of one shilling a day for each serjeant, with the addition of two shillings and six pence a week for each serjeant-major, where a serjeant-major is by this act allowed; and at the rate of six pence a day for each drummer, with the addition of six pence a day for each drum-major, where a drum-major is by this act allowed; and also at the rate of one shilling for each private militia man, with the addition of six pence to each corporal, for every day in which such private militia man, or corporal, shall be respectively employed in the militia; and also at the rate of two shillings for each private militia man, with the addition of one shilling to each corporal, for his march on the *Monday* and *Saturday* in *His Majesty's Week*, to and from the place of general exercise; and also at the rate of five pence a month for each private man, and drummer, for defraying the contingent expences of each regiment, battalion, or independent company of militia; and also for half a year's salary for the clerk of each regiment

Where pay has not yet been issued, the lieutenant, or deputy lieutenant of the county, after having certified to the treasury the aforesaid enrollment of the proportion of men and officers required to be enrolled, before pay, arms, or cloathing, are issuable, are to certify the same also to the receiver general of the land tax; and also the return of any of the troops that have been embodied and called out, which shall be disembodied and returned home.

Receivers general are to make bills of months pay in advance, from the date of such certificate, according to the establishment of pay here set down,

with half a year's salary of

to the regimental and battalion clerks, and the allowances to the clerk of the general meetings; and clerks of the subdivision meetings; and also pay for cloathing.

of militia, or of the battalion of militia belonging to such county, riding, or place, at the rate of fifty pounds a year; and also for the respective allowances to the clerk of the general meetings, and clerks of the several subdivision meetings, at the rates following; that is to say, To the clerk of the general meetings, at the rate of five pounds five shillings for each meeting; and to the several clerks of the subdivision meetings, at the rate of one pound one shilling for each meeting; and also for the cloathing of the militia for such county, riding, or place, where the militia hath not already been cloathed, at the rate of one pound ten shillings for each private man, and at the rate of two pounds for each drummer, and at the rate of three pounds ten shillings for each serjeant.

Where certificates, as aforesaid, have been received,

the receivers general are to make the usual issues, without any new certificate for that purpose.

The money to be paid to the clerk of the regiment or battalion;

and for independent companies, to the respective captains, or to their order.

A second payment to be also made within 3 months after the first;

II. Provided always, and be it enacted, That in every such county, riding, or place, within the part of *Great Britain* aforesaid, for which his Majesty's lieutenant, or, in his absence, any three deputy lieutenants, shall have certified to the purpose aforesaid, and received the cloathing for the militia thereof, which shall not have been embodied and called out into actual service; and in every county, riding, and place, within the part of *Great Britain* aforesaid, where the militia shall, after having been embodied and called out into actual service, be disembodied, and be returned home by order of their commanding officers, and thereby be no longer intitled to the same pay as the officers and private men in his Majesty's other regiments of foot receive, and such return shall have been certified as aforesaid; the receiver or receivers general of the land tax for every such respective county, riding, or place, shall make the issues or payments aforesaid, without any new or other certificate made for that purpose.

III. And be it enacted, That all such sums of money aforesaid (except such as shall be due to the several clerks of the meetings aforesaid) shall be paid by the said receiver or receivers general of the land tax, into the hands of the clerk or clerks of the regiment or regiments, or of the battalion of militia belonging to such county, riding, or place, upon his or their producing his or their warrant or warrants of appointment to such office, under the hand and seal of his Majesty's lieutenant for such respective county, riding, or place; and where the militia shall be formed into an independent company or independent companies, such sums as aforesaid shall be paid by the said receiver or receivers general of the land tax into the hands of the respective captain of each independent company of militia, or to such person as such respective captain shall authorize to receive the same, according to the number of persons hereby intitled to receive pay, of which such regiment or regiments, battalion or battalions, independent company or independent companies, shall have been appointed to consist: and such receiver or receivers general of the land tax shall also, within fourteen days after the expiration of the third calendar month from the time of the said first payment, make a second payment for four calendar

lendar months in advance; and shall also, within fourteen days after the expiration of the third calendar month from the time of the said second payment, make a third payment for four calendar months in advance, for the pay and contingent expences of the militia, and for the allowances to the regimental or battalion clerk or clerks aforesaid, in the proportions herein before mentioned: and the receipts of such clerk or clerks, and of such captain of an independent company, or captains of independent companies, or of such person or persons as such captain or captains shall so authorize to receive such money as aforesaid, shall be a sufficient discharge to such receiver or receivers general of the land tax for the several sums of money so by him or them paid.

and a third, within three months after the second.

Receipts of the persons to whom the money shall be paid, discharge the receivers general.

IV. And be it enacted, That the clerk of each regiment or battalion of militia shall forthwith, after the receipt of such sums of money as aforesaid, pay, or cause to be paid, one calendar month's pay in advance to the adjutant, and fourteen days pay in advance to the serjeant-major and drum-major of such regiment or battalion respectively; and to the captain or commanding officer of each company belonging to such regiment or battalion, two months pay in advance for his respective company, and for the contingent expences thereof; and so from time to time so long as any money on that account shall remain in his hands: which pay every such captain or commanding officer is hereby required to distribute to each person belonging to his company by this act intitled to receive the same, as it shall become due; and shall once in every year give in to the clerk of the regiment or battalion to which such company shall belong, an account of several payments he shall have made in pursuance of this act, and shall pay back to the said clerk the surplus, if any, of the money by him from time to time received, and then remaining in his hands, except the money by this act allowed for contingent expences, for the disposition whereof provision is herein after made: and the said money allowed for the contingent expences of each regiment or battalion of militia, shall, once in every year, be accounted for by the captain of each company respectively in manner aforesaid, and the balance thereof shall be by him paid into the hands of the clerk of the regiment or battalion to which such company shall belong, to be applied to the general use of the said regiment or battalion, as the field officers and captains thereof, or the greater part of them, shall, at a general meeting, direct: and the captain of each independent company is hereby required to distribute to each person belonging to his company intitled thereto, such money as he shall receive by virtue of this act; and the said money allowed for the contingent expences of each independent company of militia, shall be respectively applied to the particular use of such independent company by the captain thereof.

The clerks are to pay one month in advance to the adjutant, and 14 days to the serjeant-major and drum-major; and 2 months pay in advance to the captains, for their respective companies; who are to distribute the same as it becomes due; and account for the same yearly to the clerk, and pay back the surplus monies; and also the balance of the money allowed for contingent expences; which is to be applied to the general use of the regiment. Captains of independent companies to distribute the pay to their men, and apply the money allowed for contingent expences. Clerk to retain in his hands money

V. And be it enacted, That the said regimental or battalion clerk may and shall retain to his own use, out of the money so by him received, such further sums as shall complete the allow-

for his own salary;

and discharge the cloathing bills.

During the time the troops are embodied, and called out into actual service, all pay from the receivers general is to cease.

The clerk of the general meetings is to be paid his allowance, upon producing an order from the lieutenant, &c. and the clerks of the subdivision meetings, upon producing a like order from the deputy lieutenants. Orders to discharge the receivers general.

Regimental and battalion clerks, to give security for paying and accounting for the monies received by them; the bonds to be lodged with the receivers general, and put in suit by them, &c. on nonperformance of the conditions;

ance herein before made for his salary; and such regimental or battalion clerk shall pay to such person or persons as shall produce an order from his Majesty's lieutenant, or from the commanding officer of such regiment or battalion, and such captain of an independent company, or such person as shall be by him appointed for that purpose, shall pay and discharge such sums of money as shall be due and owing for or on account of the cloathing of the said militia, not exceeding the rates herein before mentioned.

VI. Provided always, and be it enacted, That where any regiment, battalion, or independent company of militia, is or shall be embodied and called out into actual service, and thereby such officers and private militia men are or shall be intitled to the same pay as the officers and private men in his Majesty's other regiments of foot receive, all pay from the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independent company of militia, shall belong, whether to the adjutant, serjeants, private militia men, or others; and all money allowed as aforesaid for the contingent expences of such regiment, battalion, or independent company of militia; and also the allowance to the clerk of such regiment, or battalion, shall, during such time of actual service, cease, and not be paid.

VII. And be it enacted, That the said receiver or receivers general of the land tax shall pay to the clerk of the general meetings his allowance, at the rate of five pounds five shillings for each meeting, upon his producing an order or orders for that purpose from his Majesty's lieutenant, or from three deputy lieutenants assembled at some general meeting or meetings; and shall also pay to each and every the clerks of the subdivision meetings their several allowances, at the rate of one pound one shilling for each meeting, upon his or their producing an order or orders from one or more deputy lieutenant or deputy lieutenants assembled in the several subdivision meetings; which said order or orders shall be to the said receiver or receivers general of the land tax a sufficient discharge for the payment of such allowances, and be allowed in his or their account.

VIII. Provided always, and be it enacted, That the clerk of each regiment or battalion of militia shall give security to his Majesty's lieutenant of the county, riding, or place, to which such regiment or battalion shall belong, by a bond to his Majesty in the penalty of one half of the sum required for the whole year's charge of the regiment or battalion of militia to which such clerk shall belong, for duly answering and paying such sums as he shall, from time to time, have received, and for duly accounting for the same, and for performance of the trust hereby in him reposed; which said bond shall be lodged in the hands of the receiver or receivers general of the land tax for the respective county, riding, or place, who, in case the said regimental or battalion clerk shall not duly perform the conditions comprized in the said bond, shall, and is hereby required forthwith

forthwith to put the said bond in suit in the name of his Majesty, his heirs, and successors; the full costs and charges of which suit shall be paid by the said regimental or battalion clerk, to the said receiver or receivers general of the land tax, who shall likewise be intitled to and receive to his or their own use, at the rate of five pounds *per centum* out of all such monies as shall be by him or them recovered thereon, and shall account for the residue thereof with the proper auditor of his Majesty's revenue, the said receiver or receivers general of the land tax charging himself or themselves therewith upon the next account of the land tax to be by him or them passed.

IV. And be it enacted, That the clerk of every regiment or battalion of militia, and the captain of every independent company of militia, in every county, riding, and place, within the part of *Great Britain* aforesaid, shall, between the twenty fifth day of *March*, and the twenty fifth day of *June*, in the year one thousand seven hundred and sixty one, deliver to the receiver or receivers general of the land tax for the county, riding, or place, to which such regiment, battalion, or independent company shall belong, a fair account in writing of all monies by him received and disbursed for the service of the preceding year in pursuance of this act, with proper vouchers for the same; and shall pay back to the said receiver or receivers general of the land tax any surplus of such monies that shall be then in his hands; which said accounts, signed by such regimental or battalion clerk, or by such captain of an independent company respectively, shall be transmitted by the said receiver or receivers general of the land tax into the office of the proper auditor of his Majesty's revenue.

X. And be it enacted, That in case his Majesty's lieutenant of any county, riding, or place, within the part of *Great Britain* aforesaid, shall neglect to take such security as aforesaid, from the clerk or clerks of his or their respective regiment or regiments, battalion or battalions, of militia, or to deposit the same in the hands of the receiver or receivers general of the land tax, or the same county, riding, or place, such his Majesty's lieutenant shall be answerable to such receiver or receivers general of the land tax for any loss of public monies sustained by the default of such clerk or clerks.

XI. Provided always, and be it enacted, That all penalties, all costs and charges of suit, and all sums of money for which any person or persons is or are by this act made answerable, may and shall be recovered in any of his Majesty's courts of record at *Westminster*, by action of debt, bill, plaint, or information, wherein no *essoins*, *wager of law*, or protection, nor more than one imparlance, shall be allowed.

XII. And, to obviate and prevent all doubts that have arisen, or may arise, concerning the claim of militia men in actual service, or may arise, by the said act passed in the thirty first year of his Majesty's reign, to every private militia man ordered out into actual service, and by the said act directed to be paid to every such private

Every militia man called out into actual service, is to receive the guinea allowed by act 31 Geo. 2.

and the receivers general are to pay to the captains the money that is or shall be due on that account. No fee to be paid for issuing warrants for money.

No militia man untrained before passing this act, is intitled to his cloaths until he has served 3 years, if unembodied; or one year if in actual service.

Act 30 Geo. 2.

Officers and men are intitled to pay, from the date of the warrant for their being drawn out and embodied.

militia man, by their respective captains, on or before the day appointed for their marching; be it enacted and declared, That every private militia man, who has, or shall have been ordered out into actual service, whether at the time when the regiment, battalion, or independent company to which such private militia man belongs, has belonged, or shall belong, was or shall be first embodied and ordered out into actual service, or afterwards, and who shall not have received the guinea so allowed as before said, shall, in consideration of his having been so called out into actual service, be, and be deemed to be, intitled to, and shall receive, one guinea from the captain of the company to which such private militia man respectively doth, did, or shall belong, or have belonged; which captain shall receive from the receiver or receivers general of the land tax for the county, riding, or place, to the militia whereof such company doth, did, or shall respectively belong, so many guineas as now are, or shall be so due, and the amount thereof shall be allowed to such receiver or receivers general of the land tax, in his or their accounts.

XIII. Provided always, and be it enacted, That no fee or gratuity whatsoever, shall be given or paid, for or upon account of any warrant or sum of money, which shall be issued in relation to, or in pursuance of, this act.

XIV. Provided always, and be it enacted, That no private militia man who shall not have been trained and exercised before the passing of this act, shall be intitled to his cloaths for his own use, until he shall have served for the space of three years, if unembodied; or for the space of one year, if embodied and in actual service, after delivery of the said cloaths.

XV. *And whereas doubts have arisen upon an act made in the thirtieth year of his present Majesty's reign, intituled, An act for the better ordering the militia forces in the several counties of that part of Great Britain called England, with regard to the time when the pay of the officers of the militia and private militia men which have been, or shall be, ordered out into actual service, ought to commence; it is hereby further declared and enacted, That the officers of the militia and private militia men are and shall be intitled to pay, from the day of the date of his Majesty's warrant for drawing out and embodying the said militia; any thing herein, or in any other act, contained to the contrary notwithstanding.*

CAP. XXV.

An act for continuing certain laws relating to the additional number of one hundred hackney chairs, and to the powers given for regulating hackney coaches and chairs.

Preamble, reciting clauses in act 12 Geo. 2.

WHEREAS so much of an act made in the twelfth year of the reign of his late Majesty, as relates to the additional number of one hundred hackney chairs therein mentioned, and also several clauses relating to the jurisdiction, powers, and authorities, of the commissioners for licensing and regulating hackney coaches and chairs, and

and of justices of the peace, and the rules, penalties, and forfeitures, orders and directions, in the acts herein after mentioned, are near expiring: and whereas by an act made in the third year of the reign and 3 Geo. 1 of his said late Majesty, the rates, duties, rents, or payments, granted by, or mentioned in, former acts for licensing hackney coaches and chairs, were made perpetual, subject to redemption by parliament; and it is therefore proper that so much of the said act, made in the twelfth year of his Majesty's reign, as relates to the said additional number of hackney chairs, and the said several clauses, rules, penalties, forfeitures, orders, and directions, should be in force, during the continuance of such rates, duties, rents, or payments aforesaid; be, therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said act, made in the twelfth year of the reign of his late majesty King George the First, intituled, *An act for granting an aid to his Majesty, by laying a duty upon all victuallers and retailers of beer and ale within the cities of London and Westminster, and the weekly bills of mortality; and for prohibiting their sending beer or ale out of their houses to distant places in any pots or vessels less than a gallon; and also for adding one hundred additional hackney chairs to those already licensed; and for applying certain arrears of former land taxes towards the supply granted to his Majesty, for the service of the year one thousand seven hundred and twenty six; and for appropriating the supplies granted in this session of parliament; as relates to the additional number of one hundred hackney chairs therein mentioned, which was to continue in force for eighteen years, from the twenty fourth day of June, one thousand seven hundred and twenty six; and which, by another act made in the sixteenth year of his present Majesty's reign, was further continued until the twenty fourth day of June, one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and is hereby, continued in full force and effect, for and during such further time as any former act relating to the licensing of hackney coaches or chairs, or any part of such former act, shall be in force and have continuance.*

So much of the recited act of 12 Geo. 1 as relates to the additional number of hackney chairs, which was continued by several subsequent acts, is to be in force for such further time, as any former act relating to the licensing hackney coaches or chairs, shall have continuance.

II. And be it further enacted by the authority aforesaid, That The clauses the several clauses in an act made in the ninth year of the reign in the act of her late majesty Queen Anne, (intituled, *An act for licensing 9 Annæ, and regulating hackney coaches and chairs; and for charging certain new duties on stampd vellum, parchment, and paper, and on cards and dice, and on the exportation of rock salt for Ireland; and for securing thereby, and by a weekly payment out of the post office, and by several duties on hides and skins, a yearly fund of one hundred eighty six thousand six hundred and seventy pounds, for thirty two years, to be applied to the satisfaction of such orders as are therein mentioned, to the contributors of any sum not exceeding two millions, to be raised for carrying on the war, and other her Majesty's occasions*) and in an 10 Annæ, act made in the tenth year of the reign of her said late Majesty (intituled, *An act for laying several duties upon all soap and paper made*

12 ANNÆ,

and 1 Geo. 1,

relating to the jurisdiction and powers of the commissioners for licensing, &c. hackney coaches and chairs, are to be in force during such time as any other part of the said acts relating to the licensing, &c. hackney coaches, or chairs shall have continuance.

made in Great Britain, or imported into the same; and upon chequered and striped linens imported; and upon certain silks, callicoes, linens, and stuffs, printed, painted, or stained; and upon several kinds of stamp vellum, parchment, and paper; and upon certain printed papers, pamphlets, and advertisements, for raising the sum of eighteen hundred thousand pounds by way of a lottery, towards the Majesty's supply; and for licensing an additional number of hackney chairs; and for charging certain stocks of cards and dice, &c. &c. better securing her Majesty's duties to arise in the office for the said duties by licences for marriages, and otherwise; and for relieving persons who have not claimed their lottery tickets in due time, or have lost exchequer bills or lottery tickets; and for borrowing money upon stock, part of the capital of the South Sea company, for the use of the publick) and in one other act made in the twelfth year of the reign of her said late majesty (intituled, *An act for explaining the acts for licensing hackney chairs*) and also in an act made in the first year of the reign of his late Majesty King George the First (intituled, *An act for better regulating hackney coaches, carts, drays, carns, and waggons, within the cities of London and Westminster, and the twenty bills of mortality; and for preventing mischiefs occasioned by the drivers riding upon such carts, drays, cars, and waggons*) relating to the jurisdiction, powers, and authorities of the commissioners for licensing and regulating hackney coaches and chairs, and of justices of the peace, and the rules, penalties, and forfeitures, orders and directions, therein mentioned; which said several clauses were to have continuance from the several times of the commencement thereof, for the respective terms therein mentioned; and which, by an act made in the sixteenth year of his present Majesty's reign, were further continued until the twenty fourth day of June, one thousand seven hundred and sixty, and from thence to the end of the then next session of parliament, shall be, and are hereby, continued in full force and effect, for and during such further time as any other part of the said acts relating to the licensing of hackney coaches or chairs, shall be in force and have continuance.

CAP. XXVI.

An act for reviving and continuing so much of an act made in the twenty first year of his present Majesty's reign, as relates to the more effectual trial and punishment of high treason, and misprision of high treason, in the highlands in Scotland; and also for continuing two other acts, one made in the nineteenth year, and the other made in the twenty first year of his present Majesty's reign, so far as they relate to the more effectual disarming the highlands of Scotland, and for securing the peace thereof.

Preamble, reciting clauses in acts 21 Geo. 2.

WHEREAS so much of an act made in the twenty first year of the reign of his present Majesty, intituled, *An act for the more effectual trial and punishment of high treason in the highlands*

highlands of Scotland; and for abrogating the practice of taking down the evidence in writing in certain criminal prosecutions; and for making some further regulations relating to sheriffs deputies and stewarts depute, and their substitutes; and for other purposes therein mentioned; *as relates to the trial and punishment of high treason, and misprision of high treason, committed in the highlands of Scotland, is now expiring; and also so much of another act made in the nineteenth year of his present Majesty's reign, intituled,* 19 Geo. 2.

An act for the more effectual disarming the highlands in Scotland; and for more effectually securing the peace of the said highlands; and for restraining the use of the highland dress; and for further indemnifying such persons as have acted in defence of his Majesty's person and government, during the unnatural rebellion; and for indemnifying the judges and other officers of the court of judicary in Scotland for not performing the northern circuit in May, one thousand seven hundred and forty six; and for obliging the masters and teachers of private schools in Scotland, and chaplains, tutors, and governors of children and youth, to take the oaths to his Majesty, his heirs, or successors, and to register the same; *as relates to the more effectually disarming and securing the peace of the highlands of Scotland: and also so much of another act made in the twenty first year of his present Majesty's reign, intituled,* and 21 Geo. 2.

An act to amend and enforce so much of an act made in the nineteenth year of his Majesty's reign, as relates to the more effectual disarming the highlands in Scotland, and restraining the use of the highland dress; and to masters and teachers of private schools, and chaplains; and to explain a clause in another act made in the same year, relating to letters of orders of episcopal ministers in Scotland; and to oblige persons allowed to carry arms, and the directors of the banks there, and certain persons belonging to, and practising in, the courts of session and judicary, to take the oaths; and to repeal some clauses in an act made in the first year of the reign of his late majesty King George the First, whereby certain encouragements are given to landlords and tenants in Scotland, who should continue in their duty and loyalty to his said late Majesty; and for other purposes therein mentioned; *as relates to the disarming of the highlands, are near expiring: and whereas all these acts have been found useful and beneficial to the publick; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That so much of the said first mentioned act made in the twenty first year of the reign of his present Majesty, as relates to the trial and punishment of high treason, and misprision of high treason, committed in the highlands of Scotland, shall, from and after the first day of June, one thousand seven hundred and sixty, be revived, and shall continue and be in force for the space of seven years, and from thence to the end of the then next session of parliament.*

So much of the first recited act of 21 Geo. 2. as relates to the trial and punishment of high treason, and misprision of high treason, shall, from and after the first day of June, one thousand seven hundred and sixty, be revived, and shall continue and be in force for the space of seven years.

So much of the other two so acts of 19 &

II. And be it further enacted by the authority aforesaid, That

21 Geo. 2. as
relate to the
more effectually
disarming
the highlands,
further continued
for 7
years.

so much of the two other acts made in the nineteenth and twenty first years of the reign of his present Majesty, as relate to the more effectually disarming the highlands of Scotland, and securing the peace thereof, shall be, and are hereby continued, and shall be in force from the time limited for the expiration thereof, for seven years, and from thence to the end of the then next session of parliament.

C A P. XXVII.

An act to repeal so much of an act passed in the twenty ninth year of his present Majesty's reign, concerning a free market for fish at Westminster, as requires fishermen to enter their fishing vessels at the office of the searcher of the customs at Gravesend; and to regulate the sale of fish at the first hand in the fish markets in London and Westminster; and to prevent salesmen of fish buying fish to sell again on their own account; and to allow bret and turbot, brill and pearl, although under the respective dimensions mentioned in a former act, to be imported and sold; and to punish persons who shall take or sell any spawn, brood, or fry of fish, unsizeable fish, or fish out of season, or smelts under the size of five inches; and for other purposes.

Preamble, reciting act
29 Geo. 2.

WHEREAS by an act made in the twenty ninth year of his present Majesty's reign, intituled, An act for explaining, amending, and rendering more effectual an act made in the twenty second year of his present Majesty's reign, intituled, *An act for making a free market for the sale of fish in the city of Westminster; and for preventing the forestalling and monopolizing of fish; and for allowing the sale of fish, under the dimensions mentioned in a clause contained in an act of the first year of his late Majesty's reign, in case the same are taken with a hook: it was (amongst other things) enacted, That if any fisherman, or other person or persons whatsoever, master or owner of any fishing ship, sloop, smack, or fishing vessel, coming from sea, or other person having the conduct of such fishing ship, sloop, smack, or fishing vessel, natives or foreigners, employed either in catching, bringing, or vending of fish, for the supply of the cities of London and Westminster, should break bulk or make sale of their fish, or any part thereof, between Harwich and the Nore, or Margate and the Nore, to any person or persons to sell again, or should not enter their ship, sloop, smack, or other fishing vessel, at such place or places, and within such time as therein was, and herein after is, mentioned, or should keep any shell fish, or other fish whatsoever, in such their ship, sloop, smack, or other their fishing vessel or vessels, or in any well-boat or store-boat, after such their arrival, so as not to sell off their whole cargo of fish within the space of eight days, to be reckoned from the day of such their arrival at the Nore as aforesaid, and thereof should be convicted before one or more*

of

of his Majesty's justices of the peace for the counties of Kent or Essex, or before the mayor, recorder, or such aldermen for the time being, who had power to act as justices of the peace within the corporations of Queenborough or Gravesend, on his, her, or their own confession or confessions, in writing under his or their hand or hands, or on the oath of one or more credible witness or witnesses; which conviction should be final, and without any appeal whatsoever; such ship, sloop, smack, or fishing vessel, boat, store-boat, or other boat, into which the said fish, or any part thereof, should be unloaded or delivered, with all tackle, apparel, and furniture to the same belonging, together with the whole cargo of such fish, should be forfeited by the owners thereof, and disposed of as therein after mentioned; such forfeitures to be levied by distress and sale, by warrant under the hand and seal of any one or more of his Majesty's justices of the peace within the said counties of Kent or Essex, or of the said mayor, recorder, or aldermen, acting for the time being as magistrates, within the towns of Queenborough and Gravesend, or such mayor, recorder, or aldermen, of any other corporate town, between the said towns of Queenborough and Gravesend and the city of Westminster as aforesaid; which warrant or warrants the said justice or justices, mayors, recorders, or aldermen, was and were thereby empowered and required to make and issue accordingly, and to be directed to the high constable, petty constable, headborough, or tythingman, of either of the said towns of Queenborough or Gravesend, or any other towns as aforesaid, near unto where any such offences should be committed, or where such ship, sloop, smack, or fishing vessel, boat, store-boat, or other boat, should then be, to take and seize the same, and sell and dispose thereof within fourteen days accordingly; and one moiety or half part of the produce of such sale, after reasonable charges deducted, should go and be paid to the informer or informers, as the said justices should appoint, and the other moiety to the trustees appointed to put the said recited act in execution, and for the purposes therein mentioned: provided nevertheless, That in case any such fishing vessel was freighted or loaded with lobsters, or whose part loading might be made up with lobsters, and the fishermen or other person or persons, natives or foreigners, who should be owners of such lobsters, or have the power to sell and dispose of the same, should sell off her whole cargo of such lobsters, within twelve days after the arrival of such vessel, at the place or places therein before appointed for that purpose, and in all other respects conform to the directions of the said acts; then and in such case, the sale of the whole cargo of such lobsters, should be, and was thereby declared to be, as good a sale thereof, as if such sale had been compleated and made within the said limited time of eight days before mentioned: and it was thereby further enacted, That from and after the twenty fourth day of June, one thousand seven hundred and fifty six, there should be paid to his Majesty's searcher or searchers at Gravesend, for the certificate of the entry of the arrival of any such fishing ship, sloop, smack, or other vessel or vessels as aforesaid, the sum of two shillings, which was to be applied in manner following; that is to say, There should be kept and retained by, and to the use

use of, the said searcher or searchers, for making out such certificate, six pence; and the remaining one shilling and six pence, was thereby vested in the said trustees, and was to be paid by such searcher or searchers, from time to time, to the said trustees, or such other person or persons as the said trustees, or any five or more of them, should, by any writing for that purpose under their hands and seals, direct and appoint; and which said payment of one shilling and six pence, on each fishing vessel as aforesaid, was to be applied by the said trustees, or any five of them, in the first place to pay such inspector or inspectors of the fishing vessels, for his or their said service, and for the charges of a boat, such yearly sum, as the said trustees, or any nine of them, should think was fit and reasonable for such service; and if any surplus arose over and above, then to apply such surplus in the same manner as the surplus arising from the tolls and duties of the said recited act, were directed to be applied: and it was thereby also further enacted, That the master, owner, chief officer, or mariner, who should have the care or conduct of any such ship, sloop, smack, or other vessel or vessels made use of for the catching or importing of fish as aforesaid, should within three days after the arrival of such fishing ship, sloop, smack, or other vessel or vessels at the Nore as aforesaid, truly report the time of such arrival to his Majesty's said searcher or searchers at their office at Gravesend, or to the chief officer of his Majesty's customs there, who was thereby directed and required to take notice of and enter the same in a book to be kept for that purpose, and to give a certificate thereof to such master, owner, chief officer, or mariner belonging to the said fishing ship, sloop, smack, or other vessel: and whereas the going to Gravesend, and the stopping there to report to his Majesty's searcher or searchers at their office at Gravesend, or to the chief officer of his Majesty's customs there, the time of the arrival of every fishing ship, sloop, smack, or other vessel or vessels at the Nore, within the space of three days after such the arrival thereof at the Nore, hath been found inconvenient, and sometimes prejudicial, to the owners of such fishing ships, sloops, smacks, and vessels, as by stopping to make such report or entry there, fishing ships, sloops, smacks, and vessels, sometimes lose the tide, and cannot get to Billingsgate market to sell their cargo of fish there, until the next day's market; and the great penalties the owners of such vessels are, by the said herein before recited act made in the said twenty ninth year of his present Majesty's reign, liable to in case of the neglect or omission of the master or other person, who hath the conduct of the fishing ship, sloop, smack, or other fishing vessel (and in general is only servant to the owner or owners thereof) to make such report at Gravesend, as by the said herein before recited act is directed; and the not giving a power to appeal where the parties informed against deem themselves aggrieved by the conviction of a justice of peace, tend to the discouragement of the owners of such fishing vessels, who are at a considerable expence to fit out such vessels to catch fish at sea; for remedy therefore in the premises, may it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present

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parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty, so much of the said recited act made in the said twenty ninth year of his said present Majesty's reign, as obliges the fishermen and others, masters or owners, or having the conduct of any fishing ship, sloop, smack, or fishing vessel, to enter their ship, smack, sloop, or other fishing vessel, with his Majesty's searcher or searchers at *Gravesend*; and to the payment to such searcher or searchers thereof the sum of two shillings for the certificate of such entry; and also to report the time of the arrival of such fishing ship, sloop, smack, or other fishing vessel or vessels at the *Nore*, as aforesaid, to his Majesty's said searcher or searchers at their office at *Gravesend*, or to the chief officer of his Majesty's customs there, shall be and is hereby repealed.

So much of the recited act of 29 Geo. 2. as obliges fishermen to enter and report their vessels with the searcher at *Gravesend*, &c. repealed.

II. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, the master, owner, chief officer, or mariner, who shall have the care or conduct of any such fishing ship, sloop, smack, or other vessel or vessels made use of for the catching or importing of fish as aforesaid, shall, within three days after the arrival of any such fishing ship, sloop, smack, or other vessel or vessels at the *Nore*, as aforesaid, with any such fish, truly report the time of such arrival of every such fishing ship, sloop, smack, or other vessel, to the person who, for the time being, shall act as deputed clerk in the coast office, under the collector outward in the port of *London*, at the *Custom-House* in *London*, who is hereby directed and required to take notice thereof, and to enter the same in a book to be by him provided and kept for that purpose; and also to give a certificate thereof, if required, to such master, chief officer, or mariner, who shall make any such entry as aforesaid; and that there shall be paid to such said person, who, for the time being, shall act as deputed clerk at the said coast office under the collector outward in the said port of *London*, for receiving and entering every such report, and giving a certificate thereof, if required, the sum of two shillings, which shall be applied in manner following; that is to say; The sum of six pence, part thereof, shall be kept and retained by and for the use of such person who, for the time being, shall act as such deputed clerk at the said coast office, under the said collector outward, for receiving and entering every such report, and giving a certificate thereof, if required; and the sum of one shilling and six pence, the remainder thereof, shall from time to time be paid by such said deputed clerk to the trustees of the said fish market in *Westminster* for the time being, or such person or persons as the said trustees, or any five or more of them, shall, by writing for that purpose under their hands, direct or appoint; and the receipt of such person or persons as the said trustees, or any five of them, shall, from time to time, direct or appoint to receive the remainder of every such two shillings, shall be and is hereby declared to be, at all times, a full discharge to such said deputed clerk at the said coast office, under

And such report, for the future, to be made within 3 days after the arrival of every vessel with fish at the *Nore*, to the clerk of the coast office, *London*,

who is to make an entry, and grant a certificate thereof;

for which 2s. is to be paid; 6d. thereof to go to the clerk; and 1s. 6d. to the trustees of the fish market at *Westminster*;

to be applied
as the recited
act directs.

The master,
&c. neglecting
to make such
entry, forfeits,
on conviction,
50l.

and if he re-
fuses or neg-
lects to give
in at the same
time, a par-
ticular and
true account
of the several
sorts of fish
brought alive
to the Nore,
in his vessel,

he forfeits 20l.

der the collector outward, for the same: and the money which shall be received by any such person or persons shall, from time to time, be applied by the said trustees, or any five of them, to the like uses and purposes as the money, by the said herein before recited act to be paid them by the said searcher or searchers at *Gravesend*, was thereby directed to be applied.

III. And be it further enacted by the authority aforesaid, That if the master, chief officer, or mariner, who shall have the care or conduct of any such fishing ship, sloop, smack, or other fishing vessel or vessels, shall not, within the space of three days next after the arrival of such fishing ship, sloop, smack, or other vessel or vessels, at the *Nore*, as aforesaid, enter, or cause to be entered, every such fishing ship, sloop, smack, or other fishing vessel or vessels, with such said deputed clerk as aforesaid, at the said coast office, under the said collector outward, then, in every such case, on information being given thereof on oath before any justice of the counties of *Kent, Surrey, Essex, or Middlesex*, or of the cities of *London or Westminster*, or before the mayor, recorder, or aldermen acting, for the time being, as magistrates within the towns of *Queenborough and Gravesend*, or before the mayor, recorder, or aldermen, of any other corporate town between the said towns of *Queenborough and Gravesend*, and the said city of *Westminster*, and on such master or other person as aforesaid, who shall have the care or conduct of any such fishing ship, sloop, smack, or other fishing vessel or vessels, as aforesaid, being convicted of having neglected or omitted to make such entry as aforesaid, either on his own confession, or by the oath of one or more credible witnesses, before any such justice or justices, the owner or owners, of every such fishing ship, sloop, smack, or other fishing vessel or vessels as aforesaid, shall, for every such offence, forfeit and pay the sum of fifty pounds.

IV. And be it also enacted by the authority aforesaid, That every master, owner, chief officer, or mariner, who shall have the care or conduct of any such fishing ship, sloop, smack, or other vessel, as aforesaid, shall also, at the time of his making, or causing to be made, at the said coast office, the report hereby required to be made by him, give to, and leave with, the said person who, for the time being, shall act as the deputed clerk at the said coast office, under the said collector outward, a true and particular account, according to the best of the judgment and belief of every such master, owner, chief officer, or mariner, as aforesaid, and either in writing or printed, of all fresh salmon, salmon trouts, turbot, and large fresh cod, and half fresh cod fish, haddock, skate fish, fresh ling, lobsters, soles, and whittings, which shall be brought alive to the *Nore* in every such fishing ship, sloop, smack, or other fishing vessel, as aforesaid, upon pain that the owner or owners of every such fishing sloop, smack, or other fishing vessel or vessels, whose master, owner, chief officer, or mariner, as aforesaid, shall refuse, neglect, or omit, to give or leave such account, or who shall give or leave any false or untrue account thereof, shall, on any such master, owner, chief

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officer, or mariner, as aforesaid, being convicted of any such offence, either on his own confession, or by the oath of one or more credible witness or witnesses, before any such justice or justices as aforesaid, for every such offence, forfeit and pay the sum of twenty pounds; or if any such master, owner, chief officer, or mariner, who shall have the care or conduct of any such fishing ship, sloop, smack, or other vessel, or any other person on board such fishing ship, sloop, smack, or other vessel, after her arrival at the *Nore*, shall wilfully destroy, or throw or cast away, or cause to be wilfully destroyed, or thrown or cast away, any fish which the said fishing ship, sloop, smack, or fishing vessel, shall have brought from the sea that is not unwholesome, perished, or unmarketable, such master, chief owner, officer, or mariner, shall be committed to the house of correction, there to remain without bail or mainprize, and to be kept to hard labour, for any time not exceeding two months, nor less than one month.

and if after such arrival, he shall wilfully destroy or throw away any of the said fish, not being unwholesome or unmarketable, &c.

he is liable to be committed to the house of correction, and kept to hard labour less than one.

for any time not exceeding 2 months, nor

V. And be it further enacted by the authority aforesaid, That all the above mentioned forfeitures shall be levied by warrant under the hand and seal, or hands and seals, of any justice or justices of the peace as aforesaid, by distress and sale of the goods and chattels of the owner or owners of the fishing ship, sloop, smack, or other vessel, whose master, chief officer, or mariner, as aforesaid, shall be convicted of any such offence as aforesaid, by any such justice or justices as aforesaid, or by distress and sale of the fishing ship, sloop, smack, or other fishing vessel or vessels, whose master, chief officer, or mariner, as aforesaid, shall have been convicted of any such offence as aforesaid, or of any nets, tackle, or furniture, as shall belong to any such fishing ship, sloop, smack, or other fishing vessel or vessels, together with the costs of every such distress and sale; rendering the overplus, if any, after the money forfeited, and the costs of every such distress and sale, shall be paid, to the person or persons intitled thereto.

Method of recovery of the forfeitures aforesaid.

VI. And be it likewise enacted by the authority aforesaid, That the person for the time being who shall act as deputed clerk at the said coast office, under the said collector outward, shall, from time to time, receive at the said coast office every report which shall be there made, or offered to be made, of the time of the arrival of every such fishing ship, sloop, smack, or other vessel or vessels as aforesaid, at the *Nore*, and enter the same in a book to be by him provided and kept for that purpose; and shall also, from time to time, receive at the said coast office every account which shall, from time to time, be brought, or offered to be made there, of the fresh salmon, salmon trout, turbot, and large fresh cod, and half fresh cod fish, haddock, skate fish, fresh ling, lobsters, soles, and whittings as aforesaid, which shall be brought in any such fishing ship, sloop, smack, or other fishing vessel as aforesaid, to the *Nore*; and shall also, from time to time, with all convenient speed after any such account of fish as aforesaid shall be brought to the said coast office, cause

The clerk of the coast office is to receive and make entry of all such reports or arrivals,

and accounts given in of fish, on board such vessels;

and the books in which such entries are to be made, are to be kept at the coast office, and may be examined by any person;

and is to make returns weekly on Mondays, Wednesdays, and Fridays, to the mayor of London, and to the person who shall be appointed by the trustees for the fish market at Westminster, and also to the inspector,

of all such entries and reports as aforesaid.

on forfeiture of s^d. for every such omission or neglect.

No fish, after its arrival at the Nore, is to be removed out of the vessel in which it was brought, into the store or well boat of any other vessel, on penalty of 20^l. nor may any fish be delivered out of such fishing vessels, unless by retail, in-

the same, or the purport thereof, to be entered in some book to be provided by the said person who, for the time being, shall so act as deputed clerk at the said coast office, under the said collector outward, for that purpose; and which book and books shall, from time to time, be kept at the said coast office, and may be, at all times in office hours there, examined into, and inspected by, any person or persons.

VII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, the person who, for the time being, shall act as such deputed clerk at the said coast office as aforesaid, under the said collector outward, shall, on Monday, Wednesday, and Friday in every week, return, or cause to be returned unto the mayor of the city of London for the time being, in London; and to such person as the said trustees of the said fish market at Westminster, or any five of them, shall appoint, in the city of Westminster; and likewise to the inspector as aforesaid, at such place as the said trustees, or any five of them, shall, by any writing signed by them, appoint the same to be sent to such inspector, and give notice thereof, to the persons who for the time being shall act as deputed clerk at the said coast office as aforesaid; a true account in writing, or printed, and in a fair and legible character, of the time when every respective fishing ship, sloop, smack, or other fishing vessel as aforesaid, shall have been entered at the said coast office as having arrived at the Nore; and also of the fresh salmon, salmon trout, turbot, large fresh cod, and half fresh cod fish, haddock, scate fish, fresh ling, lobsters, soles, and whittings as aforesaid, which shall have been entered at the said coast office as brought to the Nore in such respective fishing ship, sloop, smack, or other fishing vessel as aforesaid, upon pain that the person who, for the time being, shall act as such deputed clerk at the said coast office as aforesaid, under the said collector outward, shall in any wise offend in the premises, and be thereof convicted, either on his own confession, or by the oath of one or more witnesses or witnesses, before any justice or justices as aforesaid, shall, for every such offence, neglect, or omission, forfeit and pay the sum of five pounds.

VIII. And be it further enacted by the authority aforesaid, That no live salmon, salmon trout, turbot, large fresh cod, half fresh cod, haddock, scate, fresh ling, soles, or whittings, shall at any time after the arrival thereof at the Nore as aforesaid, be put into any well boat or store boat from or out of any such fishing ship, sloop, smack, or other fishing vessel or vessels as aforesaid, in which the same shall have been brought to the Nore, upon pain that every person who shall offend in the premises, shall, for every such offence, forfeit and pay the sum of twenty pounds; and that no such fish shall be unloaded or delivered out of any fishing ship, sloop, smack, or other fishing vessel or vessels, unless by retail, into any other vessel or boat after such her arrival at the Nore, but into such vessel or vessels, boat or boats, as shall be employed to carry the fish directly to the market of

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Billingsgate or *Westminster*; and that no such vessel or boat, after such fish put therein, shall afterwards loiter or keep from going on directly, and as soon as may be, to and for the market to which such vessel or boat is appointed or bound; and in case such vessel or boat, into which such fish shall be unloaded and delivered out for the market, shall remain above one tide with her fish, after taking in the same, in her way between the place of such taking in and the market at *Billingsgate* or *Westminster* as aforesaid; or shall remain without delivering her fish there at or before the next market, accidents of winds and weather excepted, every such person acting contrary to the said prohibitions, shall be committed to the house of correction, there to remain without bail or mainprize, and to be kept to hard labour for any time not exceeding two months, nor less than one month.

&c. the offender is to be committed to hard labour for any time not exceeding 2 months, nor less than 1.

IX. And be it further enacted by authority aforesaid, That the inspector already appointed, and who shall hereafter be appointed under the said recited act, shall from time to time employ himself as the said trustees shall from time to time direct and appoint, in inspecting and examining whether the entries made at the said coast office as hereby directed (and whereof copies as aforesaid shall be transmitted to him) were made from time to time, within the time the same ought to have been, and according to the account which shall from time to time be transmitted from the said coast office to such inspector, so as that such inspector for the time being may the better discover and prevent the frauds designed to be remedied by the said recited act, and this present act; and see that no fish shall be put in any store or well boats contrary to the intent of this act; and if any such inspector shall be negligent in the performance of his duty, or shall wilfully misbehave himself in the execution of his duty in the premises, he shall, on being convicted of any such neglect or wilful misbehaviour, either on his own confession, or the oath of one or more credible witness or witnesses as aforesaid, before any justice or justices as aforesaid, forfeit and pay for every such neglect or wilful misbehaviour the sum of twenty pounds.

X. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, no person who shall sell, or be concerned in the sale of any fresh fish by commission, shall directly or indirectly buy or be concerned in the buying of any fresh fish to sell again for his or her own separate account, or for the joint account of him or herself and any other person or persons whatsoever: and if any person shall offend in the premises, and be thereof convicted either on his or her own confession, or by the oath of one or more credible witness or witnesses, by any such justice or justices as aforesaid, every such offender shall forfeit and pay for every such offence the sum of fifty pounds.

XI. And whereas by an act of parliament passed in the first year of the reign of his late majesty King George the First, intituled, An

to other vessels, but such as shall be employed to carry the fish directly to market; and if such market vessels shall loiter on their way, or be above a tide after taking in their loading, in arriving at the market, and delivering her fish there, exceeding 2

The inspector is to examine whether the entries are duly made,

and see that no fish be put in any store or well boats contrary to the intent of the act; on forfeiture, for any neglect, or wilful misbehaviour, of 20l.

No fishman may buy any fresh fish to be sold again, in which he is to be any ways interested,

on forfeiture of 50l.

act for the better preventing fresh fish taken by foreigners imported into this kingdom; and for the preservation of the fry of fish; and for the giving leave to import lobsters and turbot in foreign bottoms; and for the better preservation of salmon within the several rivers of that part of this kingdom called *England*; it is, amongst other things, enacted, *That after the time in the said act mentioned, no person should bring to shore in that part of Great Britain called England, or sell, offer, or expose to sale, or exchange for any goods, matter, or thing, any bret or turbot which should not be of the length or size of sixteen inches from the eyes to the utmost extent of the tail; or any brill or pearl, which should not be fourteen inches from the eyes to the utmost extent of the tail, under the penalties therein mentioned: and whereas bret or turbot, brill or pearl, are often taken in the sea with an hook, under several dimensions in the said last in part recited act mentioned, and if thrown again into the sea, it is uncertain whether such thereof as have swallowed the hook, will afterwards live, or not; be it therefore further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, bret or turbot, brill or pearl, although under the respective dimensions mentioned in the said clause of the said last recited act, may be exposed to sale in England, any thing contained in the said last recited act to the contrary notwithstanding, so as the same be not by any person or persons, at any time after the said twenty fourth day of June, sold by retail, at a price or rate exceeding six pence a pound for every pound any such bret or turbot under the said dimensions of sixteen inches from the eyes thereof to the utmost extent of the tail thereof, or any such brill or pearl under the dimension of fourteen inches from the eyes thereof to the utmost extent of the tail thereof, shall weigh, and after that proportion for any lesser weight than a pound: and if any person shall ask, demand, or take, for any such bret, turbot, brill or pearl, under the respective dimensions as aforesaid, any higher or greater price than at and after the rate of six pence the pound, and so in proportion for any lesser weight thereof than a pound, which any such bret or turbot, brill or pearl, shall weigh; or shall refuse or neglect to weigh and measure any such bret or turbot, brill or pearl, which shall be exposed to or for sale, when required; every such bret or turbot, brill or pearl, shall be forfeited: and it shall be lawful for any person to seize any such bret or turbot, brill or pearl, and deliver the same into the hands of a constable, and to charge such constable with the party who asked, demanded, or took, any greater or higher price than as aforesaid for the same; and every such constable is hereby required to carry the party so charged, and also the bret or turbot, brill or pearl, which shall be so seized and delivered to him, with all convenient speed before some justice or justices of the peace, within whose jurisdiction any higher price than as aforesaid was asked, demanded, or taken, for any such bret or turbot, brill or pearl; which shall have been so seized: and if the person who shall be charged with any such offence, shall be convicted thereof, either on his or her*

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Bret, turbot, brill or pearl, may be brought to market, though under the dimensions of 16 inches required by the recited clause, so as the same be not sold by retail above 6d. per lb.

If any greater price shall be demanded or taken,

or such fish shall not be weighed or measured, if required, the same may be seized, and be carried, together with the party, before a justice,

confession, or by the oath of one or more credible witness or witnesses, by any such justice or justices as aforesaid, every such offender shall forfeit and pay the sum of twenty shillings for every such offence, and the bret or turbot, brill or pearl, which shall have been so seized as aforesaid, shall, by order of such justice or justices, be given to the person or persons who shall prosecute to conviction any such offender or offenders; and the money paid for any such bret or turbot, brill or pearl, shall be returned to the party or parties who paid the same.

and the offender, upon conviction is to forfeit 20s.

and the money paid for the same to be returned.

XII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of June, no person shall sell, or expose to or for sale, at the first hand, at any fish market within the limits of the weekly bills of mortality, or within one hundred and fifty yards of any such fish market, and during the market hours of any such fish market, any fresh salmon, salmon trout, turbot, large fresh cod fish, or half fresh cod fish, haddock, scate fish, fresh ling, lobsters, soles, or whittings, before he or she shall have first placed up, or caused to be placed up, in some conspicuous manner, on or over the form, bench, stall, or place, at which he or she shall offer or expose to or for sale, any such fresh salmon, salmon trout, turbot, large fresh cod fish, or half fresh cod, haddock, scate fish, fresh ling, lobsters, soles, or whittings, a true account, and in a large, fair, and legible character, and either wrote or printed, of all fresh salmon, salmon trout, turbot, and large fresh cod, and half fresh cod fish, haddock, scate fish, fresh ling, lobsters, soles, or whittings, which any such person shall then have, or have been intrusted with, to sell; distinguishing in every such account, the several sorts of all such fresh salmon, salmon trout, large fresh cod, and half fresh cod fish, haddock, scate fish, fresh ling, lobsters, soles, or whittings as aforesaid, and the quantity of every sort thereof respectively, which any such person shall then have, or is then intrusted with, to sell: and if at any time of the morning or day, in which any such account shall have been so placed up, and before the fish market of that day shall be ended or over, any other fresh salmon, or salmon trout, large fresh cod fish, or half fresh cod fish, haddock, scate fish, fresh ling, lobsters, soles, or whittings, shall be brought to, or be intrusted with, any such salesman or factor as aforesaid, to sell, every such salesman or factor, before he or she shall sell, or offer or expose to or for sale, any of such other fresh salmon, salmon trout, turbot, large fresh cod, or half fresh cod fish, haddock, scate fish, fresh ling, lobsters, soles, or whittings as aforesaid, shall add a true account or particular thereof to the account so before put up: and shall take care that every such account and accounts which shall be so put up, shall continue up where the same shall have been first placed, until all the fish specified therein shall be sold, or the fish market of the day on which the same shall be so placed up shall be over or ended, without being defaced or obliterated; upon pain that every one who shall in any wise offend in the premises, or who shall wil-

No fresh fish may be sold at the first hand, at the market, or within a certain distance thereof, during market hours, before a particular account of the quantity of the several sorts of fish be placed over the stall or place where the same are to be sold;

and all such other fish as shall be brought for sale, before the market is over, are to be added to the account,

and the account kept up undefaced till the sale or market is over,

on forfeiture
of 10l for
offending in
any of the
premises, ex-
cept for pull-
ing down, or
defacing, any
such account,
for which the
forfeiture is
40s.

All spawn,
fry, or brood
of fish,

unsizeable fish,
fish out of sea-
son, or smelts
under 5 in-
ches long,
which shall be
found in any
person's pos-
session,
may be seized,
together with
the offender,

and be deli-
vered over to
a constable,

to be taken be-
fore a justice,

to be dealt
with accord-
ing to law;

fully take down, deface, or obliterate, any account which shall be placed up as aforesaid, during the time the same ought to continue up, and shall be convicted of any such offence (other than and except the taking down, defacing, or obliterating such account, which shall be placed up as aforesaid) on his, her, or their own confession, or by the oath of one or more witnesses or witnesses, before any such justice or justices as aforesaid, shall, for every such offence, forfeit and pay the sum of ten pounds; and that every person who shall be convicted in manner as aforesaid, of taking down, wilfully defacing, or obliterating, or causing to be taken down, defaced, or obliterated, any such account placed up as aforesaid, at any time whilst the same ought to have continued up, shall, for every such offence, forfeit and pay the sum of forty shillings.

XIII. *And for the better preservation of the spawn, brood, and fry of fish, and for preventing the sale of small and unsizeable fish, and fish out of season,* be it further enacted by the authority aforesaid, That no person shall, at any time after the said twenty fourth day of June, take, kill, or destroy, or knowingly have in his or her possession, either on the water or on shore, or shall bring to shore, or cry, carry about, sell, offer, or expose, to or for sale, or shall exchange for any goods, matter, or thing, any spawn, fry, or brood of fish, or any unsizeable fish, or any fish out of season, or any smelt which shall not be full five inches in length, from the nose to the utmost extent of the tail thereof; and if any one shall offend in the premises, it shall be lawful for any other person or persons, under the authority of this act, to take and seize all or any such spawn, fry, or brood of fish, or any unsizeable fish, or any fish out of season, or any smelt of less size than five inches from the nose to the utmost extent of the tail thereof, wherever the same shall be found, together with all baskets and package in which the same shall be so found or taken, and also to charge a constable, or other peace officer, with every such offender and offenders in the premises; and after every such seizure shall be made, the spawn, fry, or brood, or other fish, as aforesaid, together with the baskets and package in which the same shall be so seized, shall be delivered into the hands of some constable, or other peace officer; and every such constable, or other peace officer, is hereby authorized and required to take every such offender and offenders, with whom he shall be so charged for any such said offence, into his custody, and also the spawn, fry, or brood of fish, and all unsizeable fish, and fish out of season, and all unsizeable smelts, and all baskets and package in which the same shall be so seized, and which shall be delivered to such constable, or other peace officer, as aforesaid, and to carry every such offender and offenders, and all such spawn, fry, or brood of fish, and all unsizeable fish, and fish out of season, and all unsizeable smelts, together with the baskets and package as aforesaid, which shall have been delivered to any such constable, or other peace officer, with all convenient speed, before some justice or justices as aforesaid, for such offender and offenders, to be dealt with according to law; and on the

conviction of any such offender or offenders, for any such said offence, before any such justice or justices as aforesaid, every such offender and offenders shall forfeit all and every such spawn, fry, or brood of fish, unsizeable fish, and fish out of season, and every smelt and smelts of less size than five inches from the nose to the utmost extent of the tail thereof, which shall be so seized, together with all baskets or package in which the same shall be so seized, and all such spawn, fry, or brood of fish, unsizeable fish, and all fish out of season, and unsizeable smelts, together with such baskets and package in which the same shall have been so seized as aforesaid, shall, by order of the justice or justices before whom the same shall be so brought, be delivered to the person or persons who shall have so seized the same, and shall prosecute to conviction any such offender or offenders; and every offender and offenders in the premises who shall be convicted as aforesaid, of any such offence, shall besides forfeit and pay, for every such offence, the sum of twenty shillings. and is to pay moreover 20s.

XIV. And be it further enacted by the authority aforesaid, That the under water bailiff of the city of *London* for the time being, and also the officers of the city of *London* for the time being, commonly called *The yeomen of the waterside*, shall, from and after the said twenty fourth day of *June*, from time to time, take care to see that the provisions hereby made concerning the sale of fresh fish in the fish market at *Billingsgate*, and for punishing persons who shall have there in his or their possession, any spawn, brood, or fry, of any kind of fish, or any unsizeable fish, or any fish out of season, or any smelt of less size than five inches from the nose to the utmost extent of the tail thereof, shall be enforced and carried into execution; and shall also, from time to time, take care that the provisions made by a statute passed in the ninth year of the reign of her late majesty *Queen Anne*, (intituled, *An act for the better preservation and improvement of the fisheries within the river of Thames; and for regulating and governing the company of fishermen of the said river*) against regating of fish in and at the market of *Billingsgate*, or within one hundred and fifty yards of *Billingsgate* dock, be strictly observed; and to lay information, from time to time, before some justice or justices of the peace of the said city of *London*, against every person and persons whom the said under bailiff, or any yeoman of the waterside for the time being, shall at any time find or discover to offend against the statute, in order that every such offender may be punished as by the said last mentioned statute is directed: and that from and after the said twenty fourth day of *June*, the person or persons for the time being, who is or shall be appointed by the trustees aforesaid to supervise the fish market of the city of *Westminster*, shall take care to see, from time to time, that the provisions hereby made concerning the sale of fresh fish in the fish market at *Westminster*, and for punishing persons who shall have there in his, her, or their possession, any spawn, brood, or fry, of any kind of fish, or any unsizeable fish, or any fish out of season, or any smelts of less size than five inches from the nose

The under water bailiff, and yeomen of the waterside, to see that the provisions of this act concerning the sale of fresh fish at *Billingsgate*, and punishment of persons having spawn or unsizeable fish, &c. in their possession, be carried into execution; and that the act of *Anne* against regating of fish in the said market, be observed; and lay information before a proper magistrate of all offenders against the said statute; and the supervisor of the fish market at *Westminster* is to take care, in like manner, that the aforesaid provisions be duly executed.

ted and observed there;

on penalty of their respectively forfeiting, for any neglect or omission of their duty 5l.

Recovery and application of the forfeitures.

For want of sufficient distress wherewith to levy any forfeiture, the offender is to be committed, and kept to

to the utmost extent of the tail thereof, shall be enforced and carried into execution: and if the under water bailiff, or any yeoman of the waterside of the said city of *London*, for the time being, or the person or persons appointed, or to be appointed, as aforesaid, to supervise the said fish market of the city of *Westminster*, or any of them, shall at any time be negligent, or offend in the premises, and shall be convicted of any such neglect or offence, either on his own confession, or by the oath of one or more credible witness or witnesses, before any justice or justices of the peace within whose jurisdiction any such neglect or offence shall be committed, every such offender shall, for every such offence, forfeit and pay the sum of five pounds.

XV. And be it also enacted by the authority aforesaid, That any justice or justices of the peace as aforesaid, within his or their respective jurisdiction, shall, on application to him or them for that purpose made, grant his or their warrant under his hand, and seal, or their hands and seals, to levy any money which shall be forfeited by virtue of this act, on the conviction of any offender or offenders, by distress and sale of the goods and chattels of the person or persons who shall be convicted of any offence against this act, together with the costs of every such distress and sale (except in the cases herein before particularly provided to charge the owners of such fishing ship, sloop, smack, or other fishing vessel or vessels) and that one moiety of all the money which shall be forfeited for any offence committed against this act (the application whereof is not herein before particularly appropriated) shall, when recovered, go and be paid to the person or persons who shall prosecute to conviction any such offender or offenders; and the other moiety thereof, except where the conviction shall be for any offence committed in the city of *Westminster*, or for not making the entry at the said coast office of the time of the arrival of any such fishing ship, sloop, smack, or fishing vessel, at the *Nore* as aforesaid, shall go, and be paid to and for the use of the poor of the parish in which any such offence shall be committed: and where any conviction shall be for any offence committed in the city of *Westminster*, or for not reporting, as herein before is directed, the time of the arrival of any such fishing ship, sloop, smack, or vessel, at the said coast office, as aforesaid, the said other moiety of the money which shall be forfeited on any such conviction, shall go and be paid to the trustees appointed to put the said recited acts in execution, to be placed by them, or any five or more of them, or their order, to the general account of surplus of profits arising from the said fish market in *Westminster*, and to be appropriated as the said surplus in the said act, in the said twenty second year of his present Majesty's reign, is directed: and if sufficient distress at any time cannot be found, wherfrom the money which shall be forfeited by any offender or offenders against this act can be levied on his, her, or their goods and chattels, then, and in any such case, every such offender and offenders shall, by warrant under the hand and seal, or hands and seals, of one or more such justice or ju-

justices directed to some peace officer, be apprehended, if he, she, or they can be found, and be committed to some house of correction of the county, city, or place, where any such offender shall be apprehended, there to remain and be kept to hard labour for any time not exceeding three months, as any such justice or justices shall order, unless the money which shall be forfeited by such offender or offenders shall be sooner paid.

hard labour,
for any time
not exceeding
3 months.

XVI. Provided always, and be it further enacted, That no person shall be punished for any offence against this act, unless a prosecution shall be commenced against him for the same within two months after every such offence shall be committed, or who shall have been punished for any such offence under any other law; and that where any person shall be committed to any house of correction for want of payment, or for want of sufficient distress being met with to answer any penalty incurred by any offence against this act, and shall remain there during the time for which he, she, or they, shall be so committed, no such person shall be liable afterwards to be prosecuted again for nonpayment of such money forfeited; and that any person who shall inhabit in any parish in which any offence against this act shall be committed, shall, notwithstanding such inhabitancy, be allowed and admitted to be a competent witness.

Limitation of
Prosecutions.

Inhabitants
deemed com-
petent wit-
nesses.

XVII. Provided also, and be it likewise enacted by the authority aforesaid, That any justice or justices of the peace before whom any offender shall be brought and convicted of any offence against this act, shall and may, from time to time, as he or they shall see occasion, mitigate any of the penalties under the sum of five pounds hereby inflicted, so as such mitigation doth not at any time extend to remit above one half of the penalty inflicted for any offence committed against this act; and every such mitigation shall be a sufficient discharge to the person offending, for so much of the penalty under the sum of five pounds as shall be so mitigated.

Mitigation of
smaller penal-
ties.

XVIII. And be it further enacted by the authority aforesaid, That the justice or justices before whom any person shall be convicted by virtue of this act, shall cause such respective conviction to be drawn up in the form, or to the effect following, that is to say,

Form of con-
viction.

To wit, **B**E it remembered, That on this
day of _____ in the _____ year
of the reign of _____ A. B. is convicted before
_____ of his Majesty's justices of the peace for the
county of _____ or city of _____ or corpo-
ration of _____ (as the case shall happen to be) for
_____ and _____ do adjudge him, her, or
them (as the case shall be) to pay and forfeit the sum of

*Given under our hands and seals (or my hand and seal)
the day and year aforesaid.*

Appeal may be made to the next general or quarter session,

the appellant entering into a recognizance, and giving due notice to the prosecutor;

and the justices at the said sessions are authorized to hear and determine the matter of such appeal, &c.

and their order to be final.

Limitation of actions.

General issue.

XIX. Provided further, and be it also enacted, That it shall be lawful for any person or persons who shall think him, her, or themselves aggrieved by the conviction of any justice or justices of the peace for any offence committed against this act, or the said recited act of the twenty ninth year of his said present Majesty's reign, to appeal to the next general or quarter session to be holden for the county, city, or place, in which any such conviction shall have been made; the person or persons so appealing, first entering into a recognizance in double the sum of money forfeited, before such justice or justices, to prosecute such appeal with effect, and abide by the order or orders which shall be made on such appeal; and giving eight days notice in writing of every such intention to appeal, to the party, or parties on whose prosecution any such conviction was made; and the justices of the county, city, or place, in which any such conviction shall have been made, are hereby authorized and required in their next general or quarter session after any such appeal shall be made, to hear and determine the matter of every such appeal, and to make such order, and to award such costs and damages, as to them in their discretion shall seem reasonable; and to levy, by their order or warrant, the costs which shall be so awarded, together with such money as they shall adjudge to be forfeited, by distress and sale of the goods and chattels of any person who shall refuse to pay the same; and for want of sufficient distress, to commit the party or parties to the common gaol or prison of the county, city, or place, in which he, she, or they, shall be apprehended, there to remain and be kept to hard labour for the space of six months, unless the money which shall be adjudged to be forfeited, as well as the costs ordered to be paid, shall be sooner paid; and such order of any such justices at their general or quarter sessions, shall be final; and no proceedings of any such justices out of session, or in their said general or quarter session, in pursuance of this act, shall be removeable by *certiorari*, or otherwise.

XX. Provided likewise, and be it also enacted by the authority aforesaid, That if any action or suit shall be commenced against any person or persons, for any thing done in pursuance of this act, every such action or suit shall be brought within six months next after the fact committed, and not afterwards, and shall be laid or brought in the county, city, or place, in which such offence shall be committed, and not elsewhere; and the defendant or defendants, in every such action or suit so to be brought, shall and may plead the general issue, and give this act and the special matter in evidence, at any trial to be had thereupon, and that the same was done in pursuance and by the authority of this act; and if it shall appear so to have been done, or that such action or suit shall be brought after the time limited for bringing the same as aforesaid, then the jury shall find for the defendant or defendants: and upon such verdict; or if the plaintiff or plaintiffs shall become nonsuit, or discontinue his action, after the defendant or defendants shall have appeared;

or

or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs, the defendant or defendants shall be paid treble costs, and have such remedy for recovery of the same, as Treble costs; any defendant or defendants hath or may have, in any case, to recover his, her, or their costs by law.

C A P. XXVIII.

An act for encouraging the exportation of rum and spirits of the growth, produce, and manufacture, of the British sugar plantations, from this kingdom, and of British spirits made from melasses.

FOR encouraging the exportation of rum and spirits of the growth, produce, and manufacture, of the *British* sugar plantations in *America*, from this kingdom, as merchandize, be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the sixteenth day of *June*, one thousand seven hundred and sixty, upon the exportation of rum or spirits of the growth, produce, and manufacture, of the *British* sugar plantations in *America*, from this kingdom, as merchandize, there shall be, instead and in lieu of all former drawbacks and allowances out of the duties of custom, a drawback, or an allowance of all the duties of custom payable upon the importation of such rum or spirits; and which drawback or allowance shall be made in such manner, and under such rules, regulations, penalties and forfeitures, as any drawback or allowance, payable out of the duties of customs upon the exportation of such rum or spirits, was, could, or might, be made before the passing of this act.

Preamble.
The duties of custom payable upon the importation of rum and spirits from the *British* sugar plantations, to be repaid upon the exportation thereof;

II. And be it further enacted by the authority aforesaid, That from and after the said sixteenth day of *June*, one thousand seven hundred and sixty, all rum and spirits of the growth, produce, and manufacture, of the *British* sugar plantations in *America*, which shall, before the payment of the duties of excise charged upon the importation thereof, be exported as merchandize, under the rules, restrictions, and regulations, herein after established and referred to, from any warehouse or warehouses in which such rum or spirits hath been, or shall be, lodged or deposited, by virtue and in pursuance of an act made in the fifteenth and sixteenth years of the reign of his present Majesty, intituled, *An act to improve the importers or proprietors of rum or spirits of the British sugar plantations, to land the same before payment of the duties of excise charged thereon, and to lodge the same in warehouses at their own expence; and for the relief of Ralph Barrow, in respect to the duty on some rock salt, lost by the overflowing of the rivers Weaver and Dane;* shall be freed and discharged from all duties of excise, in such manner as is herein after mentioned.

and the duties of excise to be remitted upon all such as shall be exported before payment is made of the said duties.

III. And be it further enacted by the authority aforesaid, That

be-

Exporter to
give bond for
the due export-
ation thereof.

before any such rum or spirits shall be delivered out of any warehouse, as aforesaid, for exportation, the person or persons intending to export such rum or spirits, shall give bond, with sufficient security, to his Majesty, his heirs, and successors, to be approved of by the respective commissioners of excise in *England* and *Scotland* for the time being, or any three of them, or by such person or persons as they shall, from time to time, appoint for that purpose, in double the value of the goods and the duties of excise payable thereon, that such rum and spirits, and every part thereof, shall (the dangers of the seas and enemies excepted) be really and truly exported as merchandise, to, and landed in, such ports or places beyond the seas, as shall be specified in such bonds; and that the same shall not be exported or carried to any other place or country whatsoever, nor re-landed in any part of *Great Britain*, or the islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or either of them.

Upon produc-
ing a certi-
ficate of such
bond having
been given,
the rum or
spirits men-
tioned therein
are to be deli-
vered out of
the ware-
houses,

IV. And be it further enacted by the authority aforesaid, That the rum and spirits lodged or deposited in such warehouse or warehouses as aforesaid, shall and may, from time to time, be delivered out of such warehouse or warehouses for exportation, and upon the exporter or exporters, or some person or persons on his, her, or their behalf, producing to the keeper or keepers of such respective warehouse or warehouses, and to the officer or officers appointed by the commissioners of excise respectively to attend the same, a certificate or certificates from the respective commissioners of excise, or any one of them, or such person or persons as they shall appoint to take such bond and security, as aforesaid, certifying that such bond and security hath been given, the keeper or keepers of such warehouse or warehouses, and officer or officers of excise attending the same, shall deliver so much rum or spirits, as shall be mentioned in every such certificate respectively, to be exported; and such respective keeper or keepers of such warehouse or warehouses, and officer or officers of excise, shall thereupon give to such exporter or exporters, or the person or persons employed to take care of the delivery of such rum or spirits, a certificate, specifying the quantity of the rum or spirits so delivered, the size or contents, and the marks of the cask or package in which such rum or spirits are contained, the quantity of rum or spirits contained in such cask or package on the landing thereof, the name or names of the proprietor or proprietors, importer or importers, of such rum or spirits, and also certifying that the same are delivered out for exportation, and the day and particular time when, and to whom, such delivery was made; which certificate shall be signed by such officer or officers of excise, and shall be produced to the officer of excise attending the shipping of such rum or spirits: and the keeper or keepers of such warehouse or warehouses, and the officer or officers appointed by the commissioners of excise to attend the same, shall make such entries of the delivery of such rum and spirits as by the said former act is directed to be made, with respect to the rum and spirits delivered upon the payment of

and a certifi-
cate of the
quantity, and
size and marks
of the casks,
&c. to be giv-
en therewith,

and produced
to the officer
attending the
shipping.
Due entry to
be made of
such delivery,

of the duties ; and no such warehouse keeper, or other person, shall be subject to any penalty or forfeiture for making any such delivery ; any thing in the said former act contained to the contrary notwithstanding.

V. And be it further enacted by the authority aforesaid, That upon oath being made before any two or more of the respective commissioners of excise, or two or more justices of the peace for the county or place from whence any such rum or spirits are intended to be exported, that the same are to be exported for merchandize to be sent beyond the seas: and upon producing to the commissioners of excise respectively, or to their respective officer or officers, having custody of the bonds given in pursuance of the said former act, for securing and paying the duties of excise upon the importation of such rum or spirits, a certificate under the hand or hands of the proper officer or officers of the excise for the port or place where such rum or spirits were shipped, of the quantities so shipped, and that the same were proof spirits, and shipped in the presence of such officer or officers, and that the same were accompanied with such certificate of the delivery from such warehouse or warehouses as aforesaid ; and also upon delivery of such last-mentioned certificate, such commissioners, or person or persons respectively having the custody of such respective bonds, in case the whole quantity of rum and spirits mentioned therein, shall be certified to be delivered and shipped as aforesaid, shall deliver up such bonds respectively to the person or persons producing such respective certificates ; or in case only a part of the rum or spirits mentioned in such bond shall be certified to be delivered and shipped, the said commissioners, or any person or persons respectively, shall indorse on such bonds the quantity or quantities so delivered and shipped ; and if at any future time or times, before the expiration of the term stipulated in such bonds for the payment of such duties shall have expired, the remaining part of the rum or spirits mentioned therein, shall be certified as aforesaid to be delivered and shipped as merchandize for exportation, then such bonds respectively shall, in like manner, be delivered up to the person or persons producing such certificates, and the proprietors and importers of such rum and spirits shall be freed and discharged from the payment of all duties for or in respect of the importation thereof.

VI. Provided always, and be it further enacted by the authority aforesaid, That the said drawback shall not be allowed, nor shall the said bonds for securing the duties of excise be delivered up, or such indorsement as aforesaid made thereon, or the proprietors or importers be freed and discharged from the payment of such duties of excise, for any rum or spirits which shall be exported in any cask which shall contain less than one hundred gallons, or that shall be shipped on board any vessel of less burthen than one hundred tons, or be exported from any port not being the port of the importation of such rum or spirits.

VII. Pro-

Bonds given for the duties are to be delivered up, upon oath made of the intended exportation,

and certificates produced, &c. of the quantity shipped, and that the same are proof spirits; and also of the delivery thereof from the warehouses, &c.

If part only of the rum or spirits mentioned in the bond are certified to be delivered and shipped, the quantity is to be indorsed on the bond ; and the bond is to be delivered up, when the remaining part shall be certified to be delivered and the duties.

All rum and spirits intitled to the said drawback, &c. are to be exported in casks containing not less than 100 gallons, and in vessels not less than 100 tons burthen.

The quantity delivered out is to be computed according to the gauge taken upon the importation thereof;

If after delivery any shall be concealed, or not shipped within twelve hours, or the casks be opened, or the same be reduced or altered in quantity or quality; such rum or spirits are forfeited, and the bond is to be put in suit; unless the commissioners see cause to forbear the same.

Bonds given for exportation are not to be discharged till certificates be produced of the due exportation and landing, and proof made thereof on oath, in manner required by the act for preventing the excessive use of spirituous liquors, &c.

Condition of the bonds for exportation,

VII. Provided also, and be it further enacted by the authority aforesaid, That the quantity of rum and spirits so to be delivered out of such warehouse or warehouses, and to be exported, shall be computed and allowed according to the gauge which shall be taken at the time of landing the same, upon the importation thereof, in such manner as the duty of excise is by the said former act directed to be computed.

VIII. And be it further enacted by the authority aforesaid, That if any rum or spirits, after the delivery thereof from such warehouse or warehouses as aforesaid for exportation, shall, before the shipping thereof, be lodged or deposited in any warehouse or other place, so as to be concealed from publick view and inspection; or shall not be shipped within the space of twelve hours after the delivery thereof; or if the cask or package in which such rum or spirits are contained shall be wilfully opened, or any part of such rum or spirits taken thereout, or if the quality of such rum or spirits shall be changed or altered; in each and every such case, all such rum or spirits, and the casks or packages containing the same, shall be forfeited, and may be seized by any officer or officers of excise: and the person or persons who shall have given bond for the due exportation of such rum or spirits, shall, upon proof of any such offence, be subject to the penalty of such bond, and the same shall be put in suit accordingly; unless the commissioners of excise, by whom or by whose authority such bond shall have been taken, shall find sufficient cause to forbear the same.

IX. And be it further enacted by the authority aforesaid, That the bonds to be given by virtue of this act for the due and regular exportation of such rum and spirits as merchandize, shall not be delivered up or discharged until certificates shall be produced of the exportation to, and landing and disposal of such rum or spirits at the ports or places mentioned in such bonds; and proof made, upon oath, in relation thereto, in such manner and form respectively, as is directed and required by an act made in this present session of parliament, intituled, *An act for preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making low wines and spirits from wheat, barley, malt, or other grain, and from meal, flour, and bran, for encouraging the exportation of British made spirits, and for more effectually securing the duties payable upon spirits, and preventing the fraudulent relanding or importation thereof*, with respect and in relation to the bonds to be taken by virtue of the said act upon the exportation as merchandize of spirits drawn or made in Great Britain, from the materials in the said act mentioned; and the condition of all the bonds to be taken by virtue of this act, shall be, to produce such certificates within such times respectively, as are limited by the said act made in this session of parliament, for producing the certificates therein required to be delivered: and all persons authorized by the said last mentioned act to administer oaths, are hereby authorized to administer such or the like oaths in pursuance of this

this act: and in case no such certificates shall respectively be produced, or proof respectively made within the times therein limited, it shall and may be lawful for the respective commissioners of excise to cause the bonds which shall be taken by virtue of this act to be put in suit, unless they shall find sufficient cause to forbear the same; any law, custom, or usage, to the contrary in any wise notwithstanding.

X. *And, for the preventing of the relanding of such rum or spirits* If such rum or spirits shall after the same shall be shipped; be it further enacted by the authority aforesaid, That from and after the said sixteenth day of June, one thousand seven hundred and sixty, in case any such rum or spirits, entered as merchandize for exportation, shall not be really and bona fide shipped and exported (the danger of the seas and enemies of Great Britain, or the islands of Guernsey, Jersey, Alderney, Sark, or Man, or either of them, unless in case of distress to save the goods from perishing, which shall be presently made known to the officer or officers of excise, and the principal officers of the customs in the port; then, not only all such rum and spirits, and the casks or other package, shall be forfeited and lost, but also the person or persons who shall bring, or cause, or procure to be relanded, such rum and spirits, or any part thereof, into any part of Great Britain, or of the islands of Guernsey, Jersey, Alderney, Sark, or Man, or either of them, or be assisting, or otherwise concerned in the unshipping the same, or to whose hands the same shall knowingly come after the unshipping thereof, or by whose privity, knowledge, or direction, the said rum or spirits, or any part thereof, shall be so relanded, shall forfeit double the amount of the duties charged upon the importation of such rum or spirits; and the casks and other package containing the same, together with the vessels and boats, and all the horses or other cattle and carriages whatsoever, made use of in the landing, removing, carriage, or conveyance of the same, which shall and may be seized by any officer or officers of the customs or excise: and if any master, commander, or other person belonging to any ship or vessel, shall assist in, or connive at, the fraudulent landing any such rum or spirits as aforesaid, he, she, or they (over and above all other penalties provided by this or any other act or acts now in force) shall, for every such offence, suffer imprisonment for the space of six months, without bail or mainprize; and in case the package of such rum or spirits so entered for exportation, or any part thereof, shall be altered at any time after the shipping thereof, and before the arrival of the ship at the port or place of discharge, the master, or other person taking charge of every such ship or vessel, shall forfeit and lose the sum of one hundred pounds.

XI. *And, for the preventing of frauds which may be committed in the exportation of such rum or spirits,* be it further enacted by the authority aforesaid, That from and after the said sixteenth day of June, one thousand seven hundred and sixty, all such rum

or

and the exporter is to give 5 days previous notice of the shipping thereof;

and allow the officers to mark the casks,

and take samples, paying for the same, if demanded;

upon penalty of forfeiting 100l.

If any rum or spirits shall be altered or reduced in quantity or quality after being shipped, the same is forfeited, and the persons concerned therein, forfeit also 100l.

Penalty of granting a false certificate, or of counterfeiting, altering, &c any oath or certificate, is 500l.

One moiety to the crown, and the other to the prosecutor,

or spirits so to be exported shall be proof spirits; and in order that the same may be properly examined, and the casks marked, when any person or persons shall be desirous of shipping any quantity of such rum or spirits, they are hereby required to give notice thereof in writing to the officer of excise, of the division or place where such rum or spirits are intended to be shipped, five days next before such rum or spirits shall be put on shipboard; in which notice shall be expressed the number of casks, and the quantity of rum or spirits, so intended to be shipped: and it shall be lawful to and for the gaugers, or other officers of excise, before the delivery of such rum and spirits from such warehouses, and at any time afterwards, to mark all and every such casks, or other package, in such manner as the respective commissioners of excise shall direct, and to take a sample or samples (not exceeding one pint in the whole) out of each of the said casks, or other package, containing such rum or spirits, paying for such sample or samples (if demanded) according to the market price rum or spirits of the like quality shall be sold for, at the time such sample or samples shall be taken: and in case any person or persons shall put on shipboard any such rum or spirits, for exportation, as merchandize, without having given such notice as aforesaid, or shall obstruct or hinder the gaugers, or other officers of excise, in the marking such casks or package, or in taking such sample or samples, he, she, or they, shall respectively forfeit for every such offence, the sum of one hundred pounds; and if the rum or spirits so intended for exportation as merchandize, shall, after the shipping thereof, be altered or reduced in quality or quantity, after any officer or officers of excise shall have examined the same, the said rum or spirits, and the cask or casks, or other package or packages containing the same, shall be forfeited and lost, and the person or persons who shall have so altered or reduced such rum or spirits, or caused or procured the same to be altered or reduced, shall forfeit and lose the sum of one hundred pounds for every such offence, and no drawback or allowance of the duties shall be made for the same.

and no drawback is to be allowed for the same.

XII. And be it further enacted by the authority aforesaid, That if any person or persons shall knowingly or wittingly grant any false certificate; or counterfeit, erase, or alter any oath or certificate made or given pursuant to this act, or shall knowingly or wittingly publish or make use thereof, such person or persons shall forfeit five hundred pounds; which forfeiture shall and may be prosecuted in any of his Majesty's courts of record at *Westminster*, or in the court of exchequer in *Scotland*; one moiety whereof to be for the use of his Majesty, his heirs, and successors, and the other moiety to him or them who will sue for, prosecute, and recover the same, wherein no esoin, protection, or wager of law, shall be allowed, nor any more than one imparlance; and such oath or certificate so falsified, counterfeited, erased, or altered, shall be invalid, and of no effect.

XIII. And, for the further encouragement of the exportation of

of spirits drawn or made in *Great Britain* from melasses; be it enacted by the authority aforesaid, That from and after the said sixteenth day of *June*, one thousand seven hundred and sixty, there shall be an additional drawback or allowance of three pounds three shillings, for every tun of such spirits so drawn or made in *Great Britain*, which shall be exported for merchandize to parts beyond the seas; and upon oath being made before any two or more of the respective commissioners of excise, or justices of the peace for the county or place from whence any such spirits are intended to be exported, that the same were drawn or made in *Great Britain* from melasses without any mixture with any other materials, either native or foreign; or in case such spirits shall be rectified spirits, then, upon oath made, that the same were drawn or made in *Great Britain* from melasses without any mixture with any other materials, either native or foreign, except what has been necessary for the rectifying thereof; and also on oath made, that the duties of the same are duly paid, and that the same are to be exported for merchandize to be spent beyond the seas; and upon producing a certificate under the hand or hands of the officer or officers of excise for the port or place where such spirits were shipped, of the quantities so shipped, and that the same were proof spirits, and shipped in the presence of such officer or officers, the distiller or distillers, or other person or persons exporting the same, shall be allowed or paid back, by the commissioners of excise, or their collector for the port or place where such spirits shall be shipped off, the said additional drawback or allowance of three pounds three shillings for every tun of such spirits so shipped off, and so in proportion for any greater or less quantity.

An additional drawback of 3*l.* 10*s.* per tun allowed on all British made spirits drawn from melasses, exported; oath being made of the truth thereof,

and of the duties being duly paid: and certificate produced of the quantity shipped, and that the same were proof spirits, &c.

XIV. And be it further enacted by the authority aforesaid, That the said act made in this present session of parliament, and all the powers, authorities, rules, regulations, limitations, restrictions, penalties, forfeitures, clauses, matters, and things, therein contained or referred unto, relating to the drawback or allowance thereby granted upon spirits exported as merchandize, and the discharge or putting in suit of the bonds to be taken by virtue of the said act, and to the entring, shipping, and due and regular exportation of such spirits, and the landing and disposing of all and every part thereof in parts beyond the seas, and to the preventing of all frauds and abuses, and punishing of offenders, shall be exercised, practised, applied, used, imposed, levied, recovered, and put in execution, with respect to the drawback or allowance hereby granted, and the melasses spirits intended to be, or which shall be, entered for exportation by virtue of this act, and for preventing, detecting, and punishing, frauds and abuses relating thereto, as fully and effectually to all intents and purposes, as if all and every the said powers, authorities, rules, regulations, limitations, restrictions, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again re-enacted in this present act.

The powers, regulations, forfeitures, and clauses, &c. in the recited act, relating to the drawback hereby granted on the exportation of spirits; and to the preventing or punishing frauds, &c. extended to this act.

XV. And be it further enacted and declared by the authority aforesaid, How the fines and penalties

are to be recovered, mitigated, and applied.

aforesaid, That all fines, penalties, and forfeitures, imposed by this act, or to be incurred by virtue thereof, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise (not otherwise directed by this act) or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster, or in the court of exchequer in Scotland; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

General issue.

XVI. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted, for any thing done by virtue ~~or~~ in pursuance of this act, such person or persons shall and may plead the general issue, and give this act and the special matter in evidence in his or their defence or defences; and if afterwards a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or actions, or be nonsuited, or judgment shall be given against him, her, or them, upon demurrer, or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

Treble costs.

CAP. XXIX.

An act to indemnify persons who have omitted to qualify themselves for offices and employments, and to indemnify justices of the peace, deputy lieutenants, officers of the militia, and others, who have omitted to register or to deliver in their qualifications within the time limited by law, and for giving further time for those purposes.

Preamble, reciting the several qualifying acts of 1 Geo. 1. 13 Car. 2. 25 Car. 2. 30 Car. 2. 18 Geo. 2. 30 Geo. 2. and 31 Geo. 2. Further time to 12 Feb. 1761, allowed to persons who have omitted to qualify themselves, as the said laws direct. Persons qualifying themselves in manner, and within the time, appointed, recapitulated and indemnified. Offices, &c. already avoided by judgement of a court, and filled up, confirmed. None indemnified where final judgement hath been given for the penalty incurred.

CAP. XXX.

An act for widening certain streets, lanes, and passages, within the city of London, and liberties thereof; and for opening certain new streets and ways within the same; and for other purposes therein mentioned.

Preamble.

WHEREAS several streets, lanes, and passages, within the city of London, and the liberties thereof, are too narrow and incommodious for the passing and repassing, as well of foot passengers as of coaches, carts, and other carriages, to the prejudice and inconvenience of the owners and inhabitants of houses in and near the same, and to the great hindrance of business, trade, and commerce: and whereas such defects might be remedied, and several new streets and ways be made within the said city and liberties, to the great ease, safety,

safety, and convenience, of passengers, and advantage of the publick in general, in case the mayor, aldermen, and commons, of the said city, in common council assembled, were enabled to widen and enlarge the said narrow streets, lanes, and passages, and to open and lay out such new streets and ways; and for those purposes to purchase the several houses, buildings, and grounds, which may be necessary to that end: wherefore, for promoting and encouraging a design so useful and beneficial to the publick, May it please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the mayor, aldermen, and commons, of the said city, in common council assembled, shall have power and authority, not only to widen and render more convenient such and so much of the several streets, lanes, and passages, mentioned and described in a schedule to this act annexed, intituled, *The first schedule*, in manner in the said schedule particularly mentioned, but also to design, make, open, and lay out, such new streets, ways, and passages, in the parts and places particularly mentioned and described in another schedule to this act also annexed, intituled, *The second schedule*, in manner in such second schedule mentioned.

Power given to the mayor, aldermen, and commons of the city, in common council assembled, to widen any of the streets and passages mentioned in the first schedule; and to open and lay out such new ones as are mentioned and described in the second schedule;

II. And, for enabling the mayor, aldermen, and commons, of the said city, in common council assembled, to effect the purposes aforesaid, be it further enacted by the authority aforesaid, That the mayor, aldermen, and commons, of the said city, in common council assembled, shall have full power and authority to treat and agree with the owners and occupiers of, and all other persons interested in, such houses, buildings, grounds, and estates, as shall be necessary to be purchased for the more effectual performance of any of the purposes aforesaid, and to purchase and become possessed of the same; and, upon payment of such sum or sums of money as shall be agreed upon for such purchases, to cause such houses and buildings, or so much thereof as shall be necessary to be pulled down, and such grounds, or so much thereof as shall be necessary to be laid into new streets, ways, and passages, or in, for, or towards, the widening, enlarging, or improving, any of the present streets, ways, and passages, described in the two schedules hereunto annexed; and this act shall be sufficient to indemnify them the mayor, aldermen, and commons of the said city, in common council assembled, their agents, workmen, officers, and servants, and all persons acting by or under their authority, against the heirs, executors, administrators, or assigns, of any of the said owners or occupiers, as if the same had been sold and conveyed by deed of feoffment, bargain and sale, or other assurance in the law whatsoever.

and in order thereto, they may treat and agree with the owners and occupiers, &c. of such grounds and buildings as shall be necessary for that purpose, for the purchase thereof, &c.

and they are indemnified for so doing.

III. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for all bodies politick, corporate, or collegiate, corporations aggregate or sole, trustees, and

Bodies politick, corporate, and collegiate, and all

other persons, are impowered to sell and convey lands for the said purposes;

and they are indemnified for what they shall so do in pursuance of this act;

but if they shall refuse to treat or agree in the premises, or shall be disabled from treating,

or cannot evince a clear title,

a jury is to be summoned,

and drawn according to the directions in act 3 Geo. 2.

and feoffees in trust, guardians and committees for lunaticks and ideots, executors, administrators, and guardians whatsoever, not only for or on behalf of themselves, their heirs and successors, but also for and on behalf of their cestuique trusts, whether infants or issue unborn, lunaticks, ideots, femmes covert, or other persons whatsoever, and to and for all femmes covert who are or shall be seised in their own right, and to and for all and every person and persons whomsoever, who are or shall be seised or possessed of, or interested in, any lands, tenements, or hereditaments, which shall be necessary to be purchased for any of the purposes of this act, to sell and convey all or any such lands, tenements, hereditaments, estates, and interests, or any part thereof, to the said mayor, and commonalty, and citizens; and that all contracts, agreements, bargains, sales, and conveyances, which shall be made by such persons as aforesaid, shall be good and valid in law, to all intents and purposes, not only to convey the estate and interest of the person and persons conveying, but also to convey all right, estate, interest, use, property, claim, and demand whatsoever, of their several and respective cestuique trusts, whether infants or issue unborn, lunaticks, ideots, femmes covert, or other persons whomsoever, and all claiming or to claim by, from, or under them; any law, statute, usage, or any other matter or thing whatsoever, to the contrary thereof in any wise notwithstanding; and all such persons, so conveying as aforesaid, shall be and are hereby indemnified for what they shall do by virtue of or in pursuance of this act, notwithstanding any omission or mistake of matter of form whatsoever: and if it shall happen that any person or persons, bodies politick, corporate, or collegiate, or other person or persons, seised or possessed of, or interested in, any such lands, tenements, or hereditaments, as aforesaid, shall refuse to treat or agree for the sale and conveyance of their respective estates and interests therein, or by reason of disability, cannot agree with the mayor, aldermen, and commons of the said city, in common council assembled, or with any person or persons by them in this behalf authorized or appointed, or shall not produce and evince a clear title to the premises they are in possession of, or to the interest they claim, to the satisfaction of the mayor, aldermen, and commons of the said city, in common council assembled, or of the person or persons by them so authorized or appointed; then, and in every such case, it shall and may be lawful to and for the sheriffs of the said city, and they are hereby required, upon a warrant or warrants, precept or precepts, to be issued and directed to them for this purpose by the court of mayor and aldermen of the said city (which warrants or precepts the said court are hereby impowered and authorized to issue) to impanel and return a competent number of substantial and disinterested persons qualified to serve on juries, not less than forty eight, nor more than seventy two; and out of such persons, so to be impanelled, summoned, and returned, a jury of twelve persons shall be drawn, by some person to be by the said court appointed, in such manner

ner as juries for the trial of issues joined in his Majesty's courts at *Westminster*, by an act made in the third year of the reign of his present Majesty, intituled, *An act for the better regulation of juries*, are directed to be drawn; which persons, so to be impanelled, summoned, and returned as aforesaid, are hereby required to come and appear before the said court, at such time and place as in such warrant or warrants, precept or precepts, shall be directed and appointed, and to attend the said court from day to day, till discharged by the said court: and all parties concerned shall and may have their lawful challenges against any of the said jurymen; but shall not be at liberty to challenge the array: and the said court is hereby authorized and empowered, by precept or precepts, from time to time, as occasion shall require, to call before them all and every person and persons whomsoever, who shall be thought proper or necessary to be examined as witnesses before them, on their oath or oaths, concerning the premises: and the said court, if they think fit, shall and may likewise authorize the said jury to view the place or places in question, in such manner as they shall direct; and the said court shall have power to command such jury, witnesses, and parties, to attend, until all such affairs, for which they were summoned, shall be concluded: and the said jury, upon their oaths (which oaths, as also the oaths to such person or persons as shall be called upon to give evidence, the said court is hereby empowered and required to administer) shall inquire of the value of such lands, tenements, and hereditaments, and of the respective estate and interest of every person seized or possessed thereof, or interested therein, or of or in any part thereof; and shall assess and award the sum or sums to be paid to every such person or persons, for the purchase of such their estates and interests; and the said court shall give judgment for such sum or sums of money so to be assessed: which said verdict or verdicts, and the said judgment, decree, or determination thereupon (notice in writing being given to the person or persons interested, at least fourteen days before the time of such assessment, declaring the time and place of the meeting of the said court and jury, by leaving such notice at the dwelling-house of such person or persons, or at his, her, or their usual place or places of abode, or with some tenant or occupier of some of the said lands, tenements, or hereditaments, intended to be valued and assessed, in case such party cannot otherwise be found out to be served with such notice) shall be binding and conclusive to all intents and purposes whatsoever, against all and every person or persons, bodies politic and corporate, claiming any estate, right, title, trust, use, or interest, in, to, or out of the said lands, tenements, or hereditaments, and premises, either in possession, reversion, remainder, or expectancy, as well against the King's most excellent majesty, his heirs and successors, as against infants and issue unborn, lunatics, idiots, and females covert, and persons under any other legal incapacity or disability, and all trustees and cestuique trusts, his, her, and their heirs, suc-

any of whom may be challenged, but not the array.

Witnesses may be also summoned and examined on oath;

and the court may direct the jury to view the places in question,

and to assess the damages and recompence upon oath;

and their verdict, and the judgement given thereupon, (previous notice having been first given to the parties interested)

are to be binding and conclusive to all parties;

and the said verdicts, judgements, and other proceedings, are to be written on parchment, and signed by the town clerk.

Upon payment of the purchase-money,

the parties to execute legal conveyances of the said lands and grounds.

But if they shall not make a clear title, or execute legal conveyances thereof, upon tender of the sum awarded,

or cannot be found, or a dispute be depending concerning a right to the premises,

the money is then to be paid into the bank for the use of the parties,

fors, executors, and administrators, and against all other persons whomsoever; and the said verdicts, judgments and decrees, and all other proceedings of the said court and juries, so to be made, given, and pronounced as aforesaid, shall be fairly written on parchment, and signed by the town clerk of the said city for the time being.

IV. And it is hereby further enacted and declared by the authority aforesaid, That upon payment of such sum or sums of money, so to be awarded or adjudged, the person or persons to whom the same shall be so awarded, for the purchase of the said lands, tenements, or hereditaments, or for the purchase of any estate or interest therein, shall make and execute, or procure to be made and executed, good, valid, and legal conveyances, assignments, and assurances in the law, to the said mayor and commonalty, and citizens, or to such person or persons as the mayor, aldermen, and commons, of the said city, in common council assembled, shall order, direct, or appoint, of the said lands, tenements, and hereditaments, or of such estate or interest, for which such sum or sums of money shall be so awarded; and shall procure all necessary parties to execute such conveyances, assignments, and assurances; and shall do all acts, matters, and things, necessary and requisite to make a good, clear, and perfect title to the said mayor, and commonalty, and citizens, or the person or persons so by them in this behalf to be appointed as aforesaid; and such conveyances, assignments, and assurances, shall contain all such reasonable and usual covenants as, on the part of the said mayor, and commonalty, and citizens, or of the person or persons so by them in this behalf to be appointed as aforesaid, shall be reasonably required: and in case such person or persons, to whom such sum or sums shall be so awarded as aforesaid, shall not be able to evince their title to the premises, and to make, or procure to be made, such good, valid, and legal conveyances thereof as aforesaid, or shall refuse so to do, being thereto required, and such sum or sums, so assessed and awarded as aforesaid, being tendered to be paid to him, her, or them, on their making such title, and executing, or procuring to be executed, such conveyances, assignments, or assurances, as aforesaid; or in case such person or persons, to whom such sum or sums of money shall be so awarded as aforesaid, cannot be found within the said city, or liberties thereof; or in case, by reason of disputes depending in any court of law or equity, or for defect of evidence, it shall not appear what person or persons is or are intitled to the premises in question; then, and in every such case, it shall and may be lawful to and for the said court of mayor and aldermen, to order the said sum or sums, so assessed and awarded as aforesaid, as and for the value of, and purchase-money for, the said lands, tenements, and hereditaments, to be paid into the bank of *England*, for the use of the parties interested in the said premises, ~~to be paid them,~~ and every of them, according to their respective estates and interests therein, at such time as the said court shall order and direct:

direct: and the cashier or cashiers of the bank of *England*, who shall receive such sum and sums, is and are hereby required to give a receipt or receipts for such sum or sums, mentioning and specifying for what premisses, and for whose use, the same is or are received, to such person as shall pay any such sum or sums into the bank as aforesaid. and a receipt taken for the same.

V. And be it further enacted by the authority aforesaid, That All verdicts, judgments, sentences, decrees, orders, and other proceedings of the said court of mayor and aldermen, and juries, as relate to, or concern any lands, tenements, or hereditaments, so to be purchased as aforesaid; and all receipts which the said cashier or cashiers of the bank shall give for any sum or sums of money paid into the bank, in consequence of any such verdict and judgment; shall be entered into a distinct book or books, which shall be kept among the records of the said court: and the said verdicts, judgments, sentences, decrees, and orders, and other proceedings, shall be deemed and taken to be records, to all intents and purposes whatsoever; and the same, or true copies thereof, shall be deemed and taken to be good and effectual evidence and proof in any court or courts of law or equity whatsoever: and all persons shall and may have recourse to the same *gratis*, and take copies thereof, paying for every copy, not exceeding two hundred words, four pence, and so proportionably for any greater number of words: and immediately on such payment, and entry of such verdicts, judgments, sentences, decrees, orders, and other proceedings, of the said court and juries, and of such receipt or receipts of the said cashier or cashiers as aforesaid, all the estate, right, title, interest, use, trust, property, claim, and demand, in law and equity, of the person or persons for whose use such money shall be paid, in, to, and out of, the said lands, tenements, hereditaments, and premisses, shall vest in the said mayor and commonalty and citizens, or the person or persons to whom the mayor, aldermen, and commons of the said city, in common council assembled, shall order, direct, or appoint such conveyances to be made; and they shall respectively be deemed in law to be in the actual seisin or possession thereof, to all intents and purposes whatsoever, as fully and effectually, as if every person, having any estate in the premisses, had actually conveyed the same to them by lease and release, bargain and sale, inrolled scoffment with livery and seisin, fine and recovery, or any other legal conveyance whatsoever: and such payment shall not only bar all right, title, interest, claim, and demand, of the person or persons to whose use such payment was made, but also shall extend to and be deemed and construed to bar the dower and dowers of the wife and wives of such person and persons, and all estates tail, in reversion or remainder, against the issue and issues of such person and persons, and every person claiming under them, as effectually as a fine and recovery, or either of them, would do, if levied or suffered by the proper parties in due form of law.

The purchase-
money, upon
petition of the
parties inter-
ested, may be
placed out in
the public
funds, &c.

in the names
of the cham-
berlain, town
clerk, and
comptroller
for the time
being,

in trust, to
pay the inter-
est and divi-
dends to the
said parties.

The persons
intituled to re-
cover the
mesne profits
of the pre-
misses against
the persons in
possession,
are intitled to
recover the in-
terest money,
and the bank
is to obey any
order of the
court made
for that pur-
pose;
but the city is
not to be dis-
turbed in
their posses-
sion,

nor is account-
able for the
money placed
out as afore-
said.

Where feme
covert is seif-
ed in fee
simple, &c.
in any of the
premisses to
her sole and
separate use,

VI. Provided always, That it shall and may be lawful for the said court of mayor and aldermen, after such payment into the bank and entry as aforesaid, upon the petition of any person or persons in whom the legal estate, in possession, of such lands, tenements, or hereditaments, was vested at the time of the said payment into the bank, to place out or invest, or to cause to be placed out or invested, such sum or sums of money, or any part thereof, in some of the publick funds, or on government security, at interest, in the names of the chamberlain, town clerk, and comptroller of the chamber of the said city, for the time being; and the same shall, as soon as conveniently may be, after the death or removal of any of them, be, by the survivors or survivor of them, transferred into the names of the chamberlain, town clerk, and comptroller of the chamber of the said city, for the time being; and so, from time to time, as often as any one of the said officers shall happen to die, or be removed, in trust, to transfer and assign the same to such person or persons to whom the premises shall belong, on their executing proper conveyances thereof; and in the mean time, in trust, to pay the interest and dividends arising therefrom to such person or persons, so in possession of the said premises as aforesaid.

VII. Provided always, and it is hereby enacted, That all and every person or persons who would be intitled to recover the mesne profits of the premises against the person or persons so in possession, in case the same had not been so conveyed to, or vested in, the said mayor and commonalty, and citizens, or other person or persons as aforesaid, shall be intitled to recover the sum or sums to arise from all interests and dividends as aforesaid, by action of debt, or otherwise, against the person or persons who shall receive the same; and the governor and company of the bank of *England* are hereby authorized and required to obey such order and orders, from time to time, as shall be made by the said court of mayor and aldermen, for the payment of such sum or sums of money, or any part thereof, in order to the same being invested in publick securities as aforesaid: and the said mayor and commonalty, and citizens, or other person or persons to whom the said premises shall, by the mayor, aldermen, and commons of the said city, in common council assembled, be ordered or appointed to be conveyed as aforesaid, shall be quieted in the seisin and possession of the lands, tenements, and hereditaments, for which such money shall be so paid as aforesaid, and shall not be answerable or accountable, in any court of law or equity, for the money so deposited and placed out as aforesaid, any otherwise than according to the tenor, purport, and true meaning, of this act.

VIII. And be it further enacted, That in case any feme covert is or shall be seifed, in fee simple, or in tail, general or special, or for life, of any such lands, tenements, and hereditaments, so to be purchased by the said mayor and commonalty, and citizens, or other person or persons as aforesaid, or of any interest in the same, to her separate use, free from the controul

on intermeddling of her husband, the purchase-money arising from the sale of such estate or interest of such feme covert, on the conveyance of such estate or interest to the said mayor and commonalty, and citizens, or other person or persons as aforesaid, shall be paid to such person or persons as she shall, by writing under her hand, nominate to receive the same, in trust, to be re-invested in lands, tenements, or hereditaments, to be conveyed and settled for such uses, estate, and interest, as the said feme covert had in the premises so purchased by the said mayor and commonalty, and citizens, or other person or persons, as aforesaid.

the purchase-money is to be paid to her attorney, in trust, to be re-invested in other lands to be settled to the same uses.

IX. And be it further enacted by the authority aforesaid, That the principal money arising from the sale of any houses, edifices, lands, tenements, and hereditaments, which shall be purchased for the purposes contained in this act of any body corporate or collegiate, corporation aggregate or sole, being fees in trust, guardians, committees, or other trustees, shall be paid to them respectively, or to such persons as they shall respectively nominate to receive the same, in trust, with all convenient speed then afterwards to be reinvested in the purchase of other messuages, lands, tenements, and hereditaments, to be conveyed and settled to and upon, and subject to, the like uses, trusts, limitations, remainders, and contingencies, as the houses, edifices, lands, tenements, and hereditaments, which shall be purchased from them respectively by the said mayor and commonalty, and citizens, or other person or persons as aforesaid, were respectively settled, limited, or assured, at the time of such the purchasing of the same, or so many thereof as, at the time of making such conveyances and settlements, shall be existing and capable of taking effect.

The money payable in respect of lands, &c. belonging to corporate bodies, &c. is to be paid to them or to their order, in trust, to be reinvested in other lands, and to be settled to the same uses.

X. And be it further enacted by the authority aforesaid, That all bargains and sales whatsoever, to be made and acknowledged by any person or persons whomsoever, and which shall be inrolled in the hustings of the said city, of any such lands, tenements, and hereditaments, as shall be purchased by virtue of and for the purposes of this act, shall have the force, effect, and operation, in law, to all intents and purposes, which any fine or fines, recovery or recoveries whatsoever, would have, if levied or suffered by the bargainer or bargainors, or any person or persons seized of any estate in the premises, in trust, for or to the use of such bargainer or bargainors, in any legal manner or form whatsoever.

All bargains and sales in pursuance of this act, and inrolled in the hustings, deemed good and valid in law.

XI. And be it further enacted by the authority aforesaid, That all and every person and persons whatsoever, having or claiming any right, title, interest, use, property, claim, and demand whatsoever, whether in possession, reversion, remainder, or expectancy; in, to, or out of, any lands, tenements, or hereditaments, which, by virtue and for the purposes of this act, shall be purchased and conveyed, or mentioned or intended to be conveyed, by any such bargain and sale as aforesaid, shall, within the space of five years, to be computed from the date of

Memorials of all claims of right, &c. to any of the premises to be purchased and conveyed as aforesaid, are to be entered, within the 5 years from

the date of the
inrolment of
the bargain
and sale, with
the town
clerk;
his fee for en-
tering the
same.

All claims not
entered or pro-
secuted within
5 years, are
null and void.

the inrollment of such bargain and sale, enter a memorial of such their right, title, interest, use, property, claim, and demand, in a book to be for that purpose prepared and kept by the town clerk of the said city; which book the said town clerk is hereby required to prepare and keep accordingly, and for which entry he shall be intitled to such fee, and no other, as the register of the county of *Middlesex* is by law intitled to, for the registry of a memorial containing the same number of words, and all and every person or persons whosoever, not entering such right, claim, and demand, within such time, and in such manner, as aforesaid, or, having so entered the same, and not prosecuting such their right, claim, or demand, with effect, within the space of five years, to be computed from the time of such entry, shall be for ever barred of all right, title, use, equity, property, claim, or demand whatsoever, whether in possession, reversion, remainder, or expectancy, in, to, upon, or out of, the said premises, and every part thereof; and the said mayor and commonalty, and citizens, and those claiming by, from, or under them, shall be quieted in the possession of all such lands, tenements, hereditaments, and premises; any law, statute, usage, matter, or thing whatsoever, to the contrary notwithstanding.

Persons bar-
red of their
right, &c.
by virtue of
this act, may
bring their
action for the
purchase mo-
ney received,
&c.

XII. Provided nevertheless, That any person or persons, barred of any right, title, estate, interest, claim, or demand whatsoever, in, to, or out of, the said lands, tenements, and hereditaments, by virtue of this act, shall be at liberty to bring an action or actions of debt, or for money had and received to his, her, or their use, or take such other legal remedy as he, she, or they, shall think proper, against any person or persons or the legal representative of any person or persons, who received the purchase-money arising from such sale of the said lands, tenements, and hereditaments, or premises aforesaid; and that in every such case, the plaintiff or plaintiffs, on proof of such title as would have enabled them to recover such lands, tenements, or hereditaments, or any part thereof, or any estate or interest in the same, shall recover the said purchase-money, or so much thereof as shall be equivalent to their interest in the said premises, together with such interest as shall be equivalent to the mesne profits of the premises which they would have been intitled to recover, in case this act had not been made.

Tenants at
will, or lessees
for a year, &c.
are to deliver
up immediate
possession of
the premises,

XIII. And be it further enacted, That all and every tenant at will, or lessee for a year, or other person or persons, in possession of any such lands, tenements, hereditaments, and premises, or any part thereof, which shall be purchased by virtue of, and for the purposes of this act, and who shall have no greater interest in the premises than a tenant at will, or as lessee by parole for a year, or from year to year, shall deliver up the possession of such premises immediately to the said mayor and commonalty, and citizens, or to such person or persons as the mayor, aldermen, and commons of the said city, in common council assembled, shall appoint to take possession of the same, in case the

the mayor, aldermen, and commons of the said city, in common council assembled, or such person or persons authorized by them, shall pay or tender to him or them six months rent of the same premises, or shall give him or them twelve months notice to quit such possession, when such person or persons in possession shall, at the end of the said twelve months, or so soon after as he or they shall be required, peaceably and quietly deliver up the possession of the said premises to the said mayor and commonalty, and citizens, or the person or persons authorized by the mayor, aldermen, and commons, of the said city, in common council assembled, to take possession thereof: and that in case any such person or persons, so in possession as aforesaid, shall refuse to give such possession as aforesaid, then it shall and may be lawful to and for the said court of mayor and aldermen to issue their precept or precepts to the sheriffs of the said city, to deliver possession of the premises to such person or persons as shall, in such precept or precepts, be nominated to receive the same: and the said sheriffs are hereby required to deliver such possession accordingly of the said premises, and to levy such costs as shall accrue from the issuing and execution of such precept or precepts, on the person or persons so refusing to give possession as aforesaid, by distress and sale of his, her, or their goods.

upon payment, or tender, of six months rent, or a year's notice to quit the same;

and if they shall refuse to give such possession, the court may issue their precept to the sheriffs, who are to deliver possession accordingly, and levy the costs of execution.

XIV. And be it further enacted by the authority aforesaid, That all and every person and persons, who shall have any mortgage or mortgages on such lands, tenements, and hereditaments as aforesaid, not being in possession thereof by virtue of such mortgage or mortgages, shall, on the tender of the principal money and interest due thereon, together with six months interest of the said principal money, by the mayor, aldermen, and commons, of the said city, in common council assembled, or by such person or persons as they shall appoint, immediately assign such mortgage or mortgages to the said mayor and commonalty, and citizens, or to such person or persons as the mayor, aldermen, and commons, of the said city, in common council assembled, shall appoint; or in case such mortgagee or mortgagees shall have notice, in writing, from the mayor, aldermen, and commons, of the said city, in common council assembled, or the person or persons so by them appointed, that they will pay off and discharge the principal and interest which shall be due on the said mortgage or mortgages, at the end or expiration of six months, to be computed from such notice given; that then, at the end of the said six months, on payment of the principal and interest so due, such mortgagee or mortgagees shall assign their interest in the premises to the said mayor, and commonalty, and citizens, or such person or persons as the mayor, aldermen, and commons of the said city, in common council assembled, shall appoint: and in case such mortgagee or mortgagees shall refuse so to assign as aforesaid, on such tender or payment, that then all interest on every such mortgage shall cease.

Mortgagees, upon tender of the principal and interest due, together with half a year's extra interest,

are to assign over their mortgages immediately,

or otherwise, upon 6 months notice given them, and payment of the principal and interest which shall be then due,

if they refuse, the interest to cease from that time;

XV. And

and upon payment of the principal and interest into the bank, at the end of 6 months from such notice, for the use of such mortgagee, and the cashier's receipt taken for the same, the right of such mortgagee is to vest in the city.

The purchase-money, &c. to be first tendered to the parties, and on their refusal to accept the same, is then to be paid into the bank, before the premises shall be made use of; the monies to stand in the names of the chamberlain, town clerk, and comptroller, in trust for

Court may fine the sheriffs, their deputies, bailiffs, or agents,

jurymen,

evidences,

and all other persons, making default in the premises; and levy the same by distress and sale,

XV. And be it further enacted by the authority aforesaid, That upon payment of the principal money and interest due on any mortgage as aforesaid, into the bank, at the end of six months from such notice as aforesaid, for the use of the mortgagee or mortgagees, to be paid him, her, or them, at such time as the said court of mayor and aldermen shall order and direct; the cashier or cashiers of the bank shall give a receipt or receipts for the said money, in like manner as is herein before directed, in cases of other payments into the bank; and thereupon all the estate, right, title, interest, use, trust, property, claim, and demand, of the said mortgagee or mortgagees, and of every person or persons in trust for him, her, or them, shall vest in the said mayor and commonalty, and citizens; and they shall be deemed to be in the actual possession of the premises comprized in such mortgage or mortgages, to all intents and purposes whatsoever.

XVI. And be it further enacted by the authority aforesaid, That all sums of money, or other consideration, recompence, or satisfaction, to be paid and made pursuant to any such agreement or verdict as aforesaid, or which shall be due on such mortgage, shall be tendered to the party or parties intitled to the same; and in case of refusal to accept the same, shall be paid into the bank of *England*; before the mayor, aldermen, and commons, of the said city, in common council assembled, or any person or persons authorized or appointed by them, shall proceed to pull down any house or houses, or other erections and buildings, or to use the ground for the purposes of this act: and the said monies shall be paid into, and the accounts thereof be, from time to time, carried on by the bank, in the names of the chamberlain, town clerk, and comptroller of the chamber of the said city, for the time being, in trust for the persons intitled to the said monies.

XVII. And be it further enacted by the authority aforesaid, That the said court of mayor and aldermen, shall have power, from time to time, to impose any reasonable fine, not exceeding the sum of ten pounds, on such sheriffs, or their deputy or deputies, bailiffs or agents respectively, making default in the premises, and on any of the persons who shall be summoned and returned on any such jury or juries, who shall not appear, or who shall refuse to be sworn on the said jury or juries, or, being so sworn, shall not give his or their verdict; and also on any person or persons who shall be summoned to give evidence touching any the matters aforesaid, and shall not attend, or shall refuse to be sworn, or who, being sworn, shall refuse to give his, her, or their evidence; also on any other person or persons who shall, in any other manner, wilfully neglect his or their duty in the premises, contrary to the true intent and meaning of this act; and from time to time to levy such fine or fines, by distress and sale of the offender's goods, by warrant under the hand and seal, or hands and seals, of any justice

or justices of the peace, together with the reasonable charges of every such distress and sale, returning the overplus (if any) to the owner : and all such fines shall be applied to the use of the poor of the hospitals of *Bridewell* and *Bethlehem*, within the said city, and be paid for that purpose to the treasurer of the said hospitals for the time being.

XVIII. Provided always, and be it hereby enacted and declared by the authority aforesaid, That if any person or persons, body or bodies politick, corporate, or collegiate, shall be applied to, by or on behalf of the mayor, aldermen, and commons, of the said city, in common council assembled, to treat for, sell, dispose of, or convey, for any of the purposes of this act, any part or parts of any house, warehouse, yard, or ground, in the actual occupation of one tenant, or of several joint tenants ; and the person or persons, body or bodies politick, corporate, or collegiate, so applied to, shall, by notice in writing, to be left at the comptroller's office in the guildhall of the said city within thirty days next after such application, signify his, her, or their inclination or desire to treat for, sell, dispose of, and convey, the whole of such house, warehouse, yard, or ground ; then and in every such case, the whole of every such house, warehouse, yard, or ground, shall be deemed, taken, and held, to be necessary to be purchased, for effecting the purposes of this act : and if it shall happen that the mayor, aldermen, and commons, of the said city, in common council assembled, shall not think proper or be willing to purchase the whole of such house, warehouse, yard, or ground, then, and in every such case, nothing in this act contained shall extend, or be construed to extend, to compel the owner or owners, occupier or occupiers thereof, to treat for, sell, dispose of, or convey, any part of such house, warehouse, yard, or ground ; any thing herein before contained to the contrary hereof in any wise notwithstanding.

XIX. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the mayor, aldermen, and commons, of the said city, in common council assembled, or any person or persons in whom any house or ground shall be vested by virtue of this act, to let, sell, or dispose of, so much or such parts thereof, as shall not be necessary for the opening or widening of any of the said streets, lanes, ways, and passages, to any person or persons, to and for such use or uses as they shall think proper.

XX. Provided also, and be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the mayor, aldermen, and commons, of the said city, in common council assembled, and they are hereby authorized and empowered, from time to time, to appoint a committee to manage and transact such matters and things as shall be necessary in or about the execution of the purposes intended by this act ; which committee so to be appointed, shall have such or so much of the powers and authorities by this act given to the mayor, aldermen, and commons, of the said city, in common council assembled.

to be applied to the use of Bridewell and Bethlehem hospitals.

Where the proprietors shall be applied to for sale and conveyance of any premises let by them,

and they shall signify their inclination to treat, &c.

the whole of the premises shall be deemed necessary to be purchased ; but if the court shall not be willing to purchase the whole, the proprietors are not bound to sell a part.

Such parts of any premises, &c. as shall not be necessary for the opening or widening of the streets, may be let or sold by the court, or proprietors.

A committee may be appointed, and power delegated to them for carrying the purposes of this act into execution ;

assembled, as the mayor, aldermen, and commons, of the said city, in common council assembled, shall, from time to time, think fit or proper to delegate to such committee.

but no persons here described, may be of such committee.

XXI. Provided nevertheless, and be it enacted by the authority aforesaid, That no person concerned in building, or dealing in any materials for building, shall be capable of acting as a member of any committee so to be appointed, or intrusted to manage or conduct the execution of the purposes aforesaid; neither shall any person be eligible or capable of acting as a member of such committee, during such time as he shall have or execute any office or place of profit by or under the authority of this act, or hold any place or employment under the said mayor, and commonalty, and citizens, or during such time as he shall have any share or interest in any contract or agreement for effecting the purposes aforesaid.

XXII. *And whereas by the pulling down several of the said houses and buildings, or some part or parts thereof, and laying the same into streets and ways for the purposes aforesaid, the rectors, vicars, or curates, of the respective parishes wherein such houses and buildings respectively now stand, will be deprived of their remedy for recovering the tythes, or yearly sums of money, or customary payments in lieu of tythes, now charged on such respective houses or buildings, and payable by the respective occupiers thereof, unless some provision shall be made by this act for the future payment of the same;* be it therefore enacted by the authority aforesaid, That whatever the tythe, or yearly sum of money, or customary payment in lieu of tythe, charged on any messuages, tenements, or buildings, to be pulled down and laid into streets and ways under the authority of this act, shall be valued or ascertained at, by any jury to be impanelled by virtue of this act, shall be deducted out of the sum at which the said messuages, tenements, or buildings, shall be so valued or ascertained, and the same shall be paid into the chamber of the city of London, for the use of the said city: and all such tythes, sums of money, or customary payments in lieu thereof, which shall be in arrear, or shall then after become due and payable to the rectors, vicars, or curates, of the said respective parishes wherein such houses, buildings, or tenements, respectively are, for or in respect of any such houses, buildings, or tenements, which, or whereof any part or parts, shall be so pulled down and laid into streets or ways, shall for ever then afterwards be charged upon all and every the manors, messuages, lands, tenements, markets, fairs, and all other the revenues of and belonging to the said mayor and commonalty, and citizens of the said city, in possession or reversion, but without prejudice to all precedent charges thereon; and such arrears shall be forthwith paid; and the growing payments shall then after be payable to the rectors, vicars, or curates, of the said several parishes respectively, and their successors for the time being, for ever, clear of all taxes and deductions, by the chamberlain of the said city for the time being, at the four most usual quarterly feasts, or days of payment, in every year (that is to say) the annunciation

The tythe, &c. charged on any messuages, to be pulled down and laid into the streets, is to be deducted out of the purchase-money, and paid into the chamber of London, and is to be thereafter chargeable with all arrears thereof, on the city lands, &c.

and paid quarterly by the chamberlain to the respective rectors and vicars, &c. free of all taxes

tion

ion of the blessed Virgin *Mary*, the nativity of Saint *John Baptist*, the feast of Saint *Michael the Archangel*, and the nativity of our blessed Saviour, by equal payments in every year; the first payment thereof to begin and commence on such of the said feast days as shall first and next happen after the pulling down any of such houses, buildings, or tenements, or any part or parts thereof, and laying the same into the streets and ways aforesaid, for the purposes aforesaid.

XXIII. *And whereas so much of the act, passed in the eleventh year of the reign of his late majesty King George the First, intituled, An act for the better regulating of buildings, and to prevent mischiefs that may happen by fire within the weekly bills of mortality, and other places therein mentioned, as relates to the pulling down or rebuilding of partitions or party walls between house and house, is confined to cases where one of the houses is to be erected or built; and it may happen that party walls within the said city, or liberties thereof, may be so far out of repair as to render it necessary to pull down and rebuild the same, although neither of the adjoining houses require to be new built: and whereas the workmen, appointed by virtue of the said recited act to examine party walls, are often equally divided in opinion about the necessity of rebuilding the same, whereby a certificate from the major part of such workmen, as by the said recited act is required, cannot be obtained, and the purposes of the said act, in many instances, have been evaded; be it therefore enacted and declared by the authority aforesaid, That so much of the said recited act as relates to party walls, within the said city or liberties, shall, from and after the passing of this present act, extend, and be construed, deemed, and taken to extend, to all cases whatsoever, within the said city or liberties, where it is or shall be necessary to pull down and rebuild any party wall, whether either of the adjoining houses shall or shall not be, or required to be, rebuilt or new built: and that from and after the passing of this present act, in case the major part of the workmen appointed, in manner by the said recited act prescribed, to view the party wall of any house or houses, within the said city or liberties, intended to be pulled down, shall not, within the space of one month next after such appointment, sign a certificate in writing, as by the said act is required, then, and in every such case, it shall and may be lawful to and for the court of mayor and aldermen of the said city, and they are hereby authorized and required, upon application to them for that purpose made, by the owner or occupier of either of the houses between which the party wall so proposed to be pulled down, shall be, to name and appoint one other able workman to be added to the workmen appointed by virtue or in pursuance of the said recited act: and the workmen, so appointed by virtue or in pursuance of the said former act, and of this present act, or the major part of them, who shall meet for that purpose (reasonable notice having been given to all of them of such intended meeting) shall view the party wall, so proposed to be pulled down: and in case the major part of such workmen shall certify in writing, under their hands,*

Act 11 Geo.1.

So much of the recited act, as relates to party walls, is to extend to all cases where it shall be necessary to pull down and rebuild any party wall within the city, or the liberties thereof; and where a majority of the workmen shall refuse to sign a certificate pursuant to the said act, the court, upon application to them, may appoint another workman to be added to the number;

and the majority certifying thereupon

such wall to be hands, that such party wall is defective and bad, and ought to be pulled down, then, and in such case, it shall and may be lawful to and for the owner or occupier of either of the said adjoining houses to cause such party wall to be pulled down and rebuilt, and he or she shall have such remedy for recovering a moiety of the expences thereof, as in and by said recited act is given or provided; subject nevertheless to such appeal and determination, by the justices of the peace of and for the said city, as by the same act is directed.

XXIV. *And whereas it would tend greatly to prevent the spreading of the fatal effects of fire within the said city and liberties, if party walls between house and house, within the same, were to be made of greater thickness than is prescribed by the act, passed in the seventh year of the reign of her late majesty Queen Anne, intituled, An act for making more effectual an act, made in the sixth year of her Majesty's reign, for the better preventing of mischiefs that may happen by fire; and if no timbers, except the timbers of the roof, girders, and the templets under the same, were laid into the party walls; and if the ends of the girders, lying within the said party walls, did not exceed one foot; and if none of the ends of the girders in adjoining houses met, or were laid opposite to each other, and the sides thereof were laid at least nine inches distant from each other; be it therefore enacted by the authority aforesaid, That all party walls which, from and after the expiration of three calendar months next after the passing of this act, shall be erected or built within the said city or liberties thereof, shall be two bricks and a half thick at the least, in the cellar, and two bricks thick upwards, to the top of the garret floor; and that the same shall be built of stone, or of good, sound, hard, well burnt bricks, and none other; and also that, from and after the expiration of the said three calendar months, no timbers, except the timbers of the roof, girders, and the templets under the same, shall be laid into the party walls erected or built, or to be erected or built, within the said city or liberties; and that the ends of girders, lying within such party walls, shall not exceed one foot; and that none of the ends of the girders, in adjoining houses, shall meet, or be laid opposite to each other; and that the sides thereof shall be at least nine inches distant from each other: and if any head builder, master bricklayer, or workman, shall erect and build, or cause to be erected and built, any party wall, within the said city or liberties, contrary to the directions, true intent, and meaning of this act, or shall use, in the building thereof, any bricks, other than good, sound, hard, well burnt bricks, or shall lay any timber in any party wall erected or built, or which shall be erected or built, within the said city or liberties, contrary to the directions, true intent, and meaning of this act, then such head builder, master bricklayer, or workman, shall, for every such offence, forfeit and pay the sum of fifty pounds, to be equally divided, one moiety thereof to the informer, and the other moiety to the poor of the parish where such building shall be, and to be levied by warrant under the hands and seals of*

Act 7 Annæ.

Party walls, for the future, are to be two bricks and a half thick in the cellar, and two bricks upward; and no timbers, except those of the roof, girders, and templets, are to be laid into the same; the girders not to be more than 1 foot therein, and not to meet, or be opposite to those in the adjoining houses, and the sides to be 9 inches distant from each other; on penalty of forfeiting 50 l. for every offence in any of the premises;

of two or more of his Majesty's justices of the peace, by distress to be divided and sale of the offender's goods, upon conviction upon oath of between the one or more credible witness or witnesses, or upon his or their informer and own confession, rendering the overplus (if any be) to the owner poor of the parish, &c. or owners: and, for want of such distress, the offender shall be imprisoned for the space of six months, unless the said penalty shall be sooner paid, by warrant under the hands and seals of the said two justices, who are hereby required and impowered to issue such warrants accordingly.

XXV. *And whereas several houses within the said city and liberties are, in part, erected or built over the grounds of other proprietors, or the several floors, rooms, or parts thereof, are the property of different persons, whereby difficulties and disputes may arise amongst the said several owners or proprietors, touching the pulling down and rebuilding the said premises, or the party walls thereof, and such rebuilding may thereby be prevented or delayed, to the great injury and inconvenience of such of the owners as are desirous to rebuild the same; for remedy thereof, and in order to prevent the fatal effects of fire, be it enacted by the authority aforesaid, That when any house, within the said city or liberties, in part erected or built over ground being the property of some other person, or whereof the several floors, rooms, or parts, are the property of different persons, shall be so decayed as to make the owner of the said ground, or of any part of the said house, desirous to rebuild the same, and the owner or owners, occupier or occupiers of such house, or of any part or parts of the said house, shall not be able or willing to join, or by reason of any legal disability cannot join in such rebuilding, then, and in every such case, it shall and may be lawful to and for the court of mayor and aldermen of the said city, and they are hereby authorized and required, upon application to them by the party so desiring to rebuild, to issue their order to the sheriffs of London to summon a jury to be and appear before the said court, at such time as the said court shall appoint, then and there to try whether the premises ought to be rebuilt or not, and to cause notice thereof to be given to or left at such premises, for such owner or owners, occupier or occupiers: and if such jury shall be of opinion and if they shall be of opinion that the premises ought to be rebuilt, and any of the said owners or occupiers, or some person or persons on his, her, or their behalf, shall not, in court, upon such verdict, declare and signify their consent and readiness to him in the expence of such rebuilding, then such jury shall be again impannelled and sworn to enquire and fix the value of the part or parts of the said house belonging to the person or persons so refusing or neglecting to signify, or being legally disabled from giving his, her, or their consent to such rebuilding; and, upon payment or tender of the value, which shall be awarded by such jury, to the party or parties interested, if he, she, or they can be found within the said city, or the liberties thereof, or upon payment thereof into the bank of England, in the name of the chamberlain of the said city for the*

Where a part owner of a house gone to decay shall be desirous to rebuild the same, but the other parties shall refuse, &c. to join therein,

the court, upon application to them, shall order the premises to be surveyed by a jury;

and if they shall be of opinion that the same ought to be rebuilt, and any of the parties shall not thereupon consent to join in the expence, the jury is to fix the value of such person's part; and upon payment or tender of the money awarded, &c.

the premises
to vest in the
person obtain-
ing the ver-
dict, who may
proceed to pull
down and re-
build the
same.

Where a party
wall shall be
pulled down
by virtue of
act 11 Geo. 1.
and rebuilt
agreeable to
the directions
of this act,
the expence
shall be com-
puted at 7l.
per rod;

and where any
party wall
shall be built
agreeable to
the directions
of this act,
in execution
of any con-
tract entered
into before 1
March, 1760,

Where any
house or te-
nement shall
be presented as
in a ruinous
condition,

the court shall
order a suffi-
cient hoard to
be put up be-
fore the same,

the time being, for the use and behoof of the person or persons intitled thereto, in case he, she, or they cannot be found within the said city or liberties, the estate and interest of the party or parties, so refusing or neglecting, or being disabled as aforesaid, of, in, or to the said premises, shall vest in the person or persons applying for and obtaining such award or verdict; and he, she, or they may immediately proceed to pull down and rebuild the said house and premises, and any or every part thereof; and shall from thenceforth hold and enjoy the same for ever, against such owners and occupiers, and his, her, and their heirs, executors, administrators, and assigns, and all other persons whatsoever.

XXVI. Provided always, and be it enacted by the authority aforesaid, That in all cases where any party wall within the said city or liberties shall, by virtue of the said recited act of the eleventh year of his late Majesty's reign, and of this present act, be pulled down, and rebuilt agreeable to the directions of this present act, by the owner or occupier of one of the adjoining houses, the expence of such party wall shall be estimated and computed at and after the rate of seven pounds *per* rod; any thing in the said former act to the contrary thereof in any wise notwithstanding.

XXVII. Provided also, and be it enacted by the authority aforesaid, That in all cases where any party wall shall be erected or built, agreeable to the directions of this present act, in execution of any contract or contracts entered into with the builder or workman before the first day of *March*, one thousand seven hundred and sixty, the expence of such party wall shall be estimated and computed at and after the rate of seven pounds *per* rod; any thing in such contract or contracts to the contrary thereof in any wise notwithstanding.

the expence shall be computed in like manner.

XXVIII. *And whereas houses and tenements in several parts of the said city of London, and the liberties thereof, are often, either from litigated titles thereto, or the obstinacy or poverty of the owners or proprietors thereof, or of parties interested therein, in so ruinous a condition, that passengers passing thereby are in danger of their lives, from the falling thereof, or of bricks or timber therefrom; and often are hurt by the falling of the walls thereof, or of bricks or timber therefrom; be it therefore enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and sixty, if any presentment shall be made by any inquest or grand jury in London, that any houses or tenements in the said city of London, or the liberties thereof, are in such ruinous condition, it shall be lawful for the court of mayor and aldermen, and the said court is hereby required, on notice of any such presentment being made, and on a copy thereof being laid before them, to cause, with all convenient speed then afterwards, a proper and sufficient hoard to be put up to guard all such ruinous houses and tenements from the publick street, and to cause notice in writing to be given to the owner*

owner or owners, or other person or persons interested therein, and give notice to the owner to take down or repair such buildings forthwith; and if such order shall not be complied with, the court may cause such buildings to be taken down, and secured; and all the charges of putting up every such hoard, and taking down and securing all or so much of such ruinous houses or tenements as shall be necessary to be taken down or made secure, for the safety of passengers passing that way, shall, from time to time, be paid by the owner or owners of such houses or tenements, if known, and he, she, or they, can be met with, within the said city of London, or the liberties thereof: and if such owner or owners shall, on demand thereof, neglect or refuse to pay the same, then such charges may be levied, by warrant under the hand and seal, or hands and seals, of any such justice or justices of the peace, by distress and sale of the goods and chattels of such owner or owners, if any such can be found in the said city of London; and if no such owner or owners can be met with in the said city of London, or the liberties thereof, or sufficient distress of his, her, or their goods or chattels cannot be met with, wherefrom such costs and charges may be levied; then, and in every such case, the person or persons, who shall, at any time then after, occupy any such houses or tenements, or the ground whereon the same stood, is and are hereby required and authorized to pay the same, and to deduct the same out of the rent thereof: and if he, she, or they, shall neglect or refuse to pay such charges, then the same shall, by warrant under the hand and seal, or hands and seals, of any such justice or justices as aforesaid, be levied by distress and sale of the goods and chattels of any such occupier or occupiers, in manner as other distresses and sales are by this act directed to be made, together with the costs of every such distress and sale; and the landlord and landlords of the premises is and are hereby required to allow every such occupier and occupiers all such charges which he, she, or they, shall so pay, or which shall be recovered by distress and sale from him, her, or them, as aforesaid, upon receipt of the respective rent: and every occupier, paying any such charges, shall be acquitted and discharged, for so much money as he, she, or they, shall so pay, as if the same had been actually paid to such person or

and levy the charges on the owner, if he can be found;

or on the future occupier of such house, &c.

which is to be allowed in his rent.

The money recovered to be paid to the chamberlain.

persons, to whom his, her, or their rent should have been due or payable; and such money, as the same, shall, from time to time, be received or recovered, shall be paid to the chamberlain of the said city, and be by him from time to time placed to the credit of the cash of the said city of London.

Where the pavements of the streets shall be damaged by the breaking up the same, to amend or re-lay any water pipes, &c.

any justice, upon complaint, or view thereof, may give notice at the office of the proprietors of the water works, &c. to make good, or new lay such pavements forthwith;

and if such order shall not be complied with,

XXIX. *And whereas the pavements of the streets in the city of London and the liberties thereof are frequently damaged, by the breaking up of the same to amend or new lay water pipes, or to lay water therefrom, belonging to proprietors of water-works, and by improper laying of such water pipes, and also by the bursting, leaking, or ouzing of water pipes belonging to the proprietors of water-works; and such pavements are sometimes relaid, and also amended, by paviments employed by such proprietors of water-works, with bad materials, and in an improper manner, and whilst the ground is wet by the ouzing of the pipes, and by reason thereof the pavement made on the ground when so wet often gives way, and has holes therein; be it therefore enacted by the authority aforesaid, That if, at any time after the said twenty fourth day of June, it shall be made appear, on oath, before any justice or justices of the peace of the said city of London, by any credible person, or shall be found on the view of any such justice or justices, or by the presentment of any inquest or grand jury of the said city, that any pavement in the said city or liberties thereof, is damaged by the breaking up the same to amend or re-lay any water pipe or pipes, or to lay water therefrom, belonging to the proprietors of any water-works, or by the bursting, or leaking, or ouzing of any water pipe or pipes belonging to the proprietors of any water-works, or by the improper laying of any water pipe or pipes in the said city of London, or the liberties thereof, belonging to any proprietors of water-works; or that any such pavement hath been laid down, amended, or new or relaid, by any paviment employed by or under any proprietors of water-works, with bad materials, or in an improper manner; then, and in any of the said cases, it shall be lawful for any such justice or justices to cause notice thereof, in writing, to be given or left, by the party or parties complaining, at the public office of the proprietors of the water-works to whom such water pipes which shall have occasioned any such damage shall belong, or by whose paviour any pavement shall have been so defectively laid new, or re-laid, or amended, with bad materials, or in an improper manner, or with their collector of the district in which any such default in pavement shall be, to make good, amend, or new-lay, in a proper manner, every such pavement, within the space of three days next after every such notice, in writing, shall be so given or left as aforesaid: and if the proprietors of such water-works shall not, within the said space of three days next after every such notice, in writing, shall be so given or left as aforesaid, cause, at their costs and charges, every such defective pavement to be well and effectually re-laid, repaired, or amended, with good materials, and in a proper and effectual manner, it shall be lawful for any such justice or justices of the said city to*

cause

cause every such pavement, defective or improper pavement, to be well and effectually relaid, repaired, or amended, with good materials, and in a proper and effectual manner, by any paviour or paviours any such justice or justices shall think fit to employ for that purpose, having regard to the condition such pavement was in before the same was damaged by any of the means aforesaid: and every paviour who, pursuant to any order of any such justice or justices, shall relay, or new lay, repair, amend, or make good, any such pavement, or defective or improper pavement, as aforesaid, shall, from time to time, be paid the charges of doing thereof, as the same shall be ascertained under the hand or hands of some justice or justices of the said city of *London*, who is and are hereby respectively authorized to ascertain the same; and also to determine and adjudge whether all or what part of such charges ought to be paid by the proprietors of such water-works, or whether any and what part thereof ought to be paid by the person or persons who was or were liable by law to have made good such pavement, in case the same had not been damaged by some of the means as aforesaid: and if the proprietors of such water-works shall not, on demand being made at their public office, or on their collector of the district as aforesaid, of the money which shall be ordered to be paid by them by any such justice or justices aforesaid, pay the same, within the space of three days next after any such demand as aforesaid shall be made thereof; or if any person or persons liable by law to have made good any such pavement as aforesaid, shall not pay such proportionable part of the charges of making good the same, as any such justice or justices as aforesaid shall determine and ascertain, by any order which shall be made and signed by him or them, ought to be paid by such other person or persons respectively, within the space of three days next after any such notice thereof shall have been given to, or left for, such other person or persons, at his, her, or their usual place of abode, and demand of payment thereof shall be made on him, her, or them, or at his, her, or their usual place of abode; then on oath being made of such demand, and of the money so ordered to be paid remaining unpaid by the space of three days from the time of the same having been demanded as aforesaid (and which oath every such justice and justices as aforesaid is and are hereby respectively impowered to administer) any such justice or justices, shall by warrant under his hand and seal, or their hands and seals, directed to the constables of the said city, cause the expences of amending every such default in pavement, defective or improper pavement, or new or relaying any such pavement as aforesaid, which shall have been amended or relaid under any such order as aforesaid, to be levied by distress and sale of the goods and chattels of the proprietors of such water works, or of the collector as aforesaid of the district in which any such default of pavement as aforesaid shall have been, or of the other persons liable to make good any such defective pavement, in such proportion as any such justice or justices

such justice
may let men
to work,

who shall be
paid their
charges, as
ascertained by
a justice,

who is like-
wise to deter-
mine by whom
the whole, or
any part
thereof, ought
to be paid;

and on their
refusal of
payment ac-
cordingly may
levy the
charge by dis-
tress and sale.

stices as aforesaid shall determine and ascertain the same ought to be so paid, together with the charges of every such distress and sale, rendering the overplus, if any, to the owners thereof; and which money, when levied, shall be paid to the paviour or paviours who shall have been employed by any such justice or justices as aforesaid, and have amended, repaired, or relayed, any such pavement or pavements as aforesaid.

Inhabitants
deemed com-
petent wit-
nesses.

XXX. And be it further enacted by the authority aforesaid, That the inhabitants of any parish where any offence against this act shall have been committed, shall be admitted and allowed to be a competent witness, notwithstanding his or her inhabitan-
ancy in such parish.

No order of
a justice may
be quashed for
want of form,

XXXI. And it is hereby also enacted by the authority aforesaid, That no order which shall be made by any justice or justices, by virtue of or under this act, or any other proceedings to be had, touching the conviction or convictions of any offender or offenders against this act, shall be quashed or vacated for want of form only; or be removed or removeable by *Certiorari*, or any other writ or process whatsoever, into any of his Majesty's courts of record at *Westminster*.

or removed by
Certiorari.

Limitation of
actions.

XXXII. And be it enacted by the authority aforesaid, That if any action shall be brought, or suit commenced, against any person or persons, for any thing done in pursuance of this act, or in relation to the premises, or any of them, such action or suit shall be laid or brought within six months next after the fact done; and shall be laid or brought in the city of *London*, and not elsewhere: and the defendant or defendants in such action may plead the general issue, and give this act, and the special matter, in evidence at any trial to be had thereupon; and that the same was done in pursuance, and by authority of this act: and if the same shall appear to have been so done, or if any action or suit, shall not be brought within the time before limited; or shall be brought in any other county or place than as aforesaid; then the jury shall find for the defendant or defendants; or if the plaintiff or plaintiffs shall become nonsuited, or suffer a discontinuance of his, her, or their action or actions; or if a verdict shall pass against the plaintiff or plaintiffs; or if, upon demurrer, judgement shall be given against the plaintiff or plaintiffs; the said defendant or defendants shall have treble costs, and shall have such remedy for recovering the same, as any defendant or defendants hath or have, for costs, in other cases by law.

General issue.

Treble costs.

Publick act.

XXXIII. And it is hereby further enacted, That this act shall be deemed a publick act; and shall be taken notice of as such, by all judges, justices, and all other persons whatsoever, without specially pleading the same.

First SCHEDULE to which the acts refers.

Openings to be made.

In the ward of *Aldersgate*.

A passage, twenty feet wide, to be opened, from the east side of Aldersgate Street (opposite to Little Britain) to the west of Noble Street, opposite to Oat Lane; and from thence through ta. Wood Street, opposite to Love Lane.

In the ward of *Aldgate*.

A passage, fifty feet wide, to be opened, from the mason's shop facing Crutched Fryers, in the occupation of Dent, in a direct line to the Minorities.

A passage, twenty five feet wide, to be opened, through Northumberland Alley, into Crutched Fryers.

In the ward of *Bishopsgate*.

A passage, twenty five feet wide, to be opened, through Angel Court, in Bishopsgate Street, into Little Saint Helen's.

A passage, twenty feet wide, to be opened, from Broad Street, through Union Court, into Bishopsgate Street.

In *Coleman Street* ward.

A passage, fifty feet wide, to be opened, from the north end of Tokenhouse Yard to London Wall.

In the ward of *Farringdon without*.

A passage, thirty feet wide, in the middle part of Snow Hill, from thence to Fleet Market.

A passage, twenty five feet wide from Butcherhall Lane into Little Britain.

In *Farringdon ward within*.

To make a passage through Cock Alley, on the south side of Ludgate Hill, and opposite to the Old Bailey, forty feet wide, into Black Fryers.

Second SCHEDULE to which the act refers.

Passages to be improved and enlarged.

In the ward of *Aldgate*.

TO pull down the houses on the east side of Billiter Lane, in order to enlarge the passage to the width of thirty feet.

To pull down the houses at the east end of Leadenhall Street, to make the passage there thirty five feet wide.

To pull down such part of the houses on the east side of Poor Jury Lane, beginning at, and including, a house on the north side of The Horse and Trumpet, and extending southwards towards Gould Square, as will be sufficient to range in a line with that end of the lane next to Aldgate; the passage of which is intended to be made thirty five feet wide, by pulling down, and setting back, all the houses from the gate to the said Horse and Trumpet.

In Broad Street ward.

To pull down the house at the west end of the buildings situate between Cornhill and Threadneedle Street, and opposite to the south end of Prince's Street, and lay the ground into the street.

To pull down the houses on the south side of Threadneedle Street, extending from the house before mentioned eastward, till it reaches to that part of the street which is opposite to the bank gates; and to enlarge the passage there to thirty five feet in width.

In the ward of Coleman Street.

To pull down one house on the north east corner of the Old Jury, and another house at the south west corner of Coleman Street, both of which are occupied by braziers, and lay the ground thereof into the street.

In Cordwainer's ward.

To pull down the house at the north east corner of Trinity Lane near the Dog tavern, and lay the ground into the street.

In the ward of Cornhill.

To pull down the house at the west end of the buildings situate between Cornhill and Lombard Street, and lay the ground into the street.

In the ward of Cripplegate within.

To pull down the houses which project forwards at the west end of Silver Street, from the end of Monkwell Street, quite through into Aldersgate Street, to make a commodious street forty feet wide.

To pull down the house at the corner of Aldersbury facing Milk Street, which was formerly the Baptist Head tavern, and lay the ground thereof into the street.

In the ward of Farringdon within.

To pull down the tin shop, and the trunkmaker's house, at the south west corner of Cheapside, leading into Saint Paul's Churchyard, and lay the ground into the street.

To pull down such part of the houses in Creed Lane as are necessary to widen the passage to thirty feet.

In the ward of Farringdon without.

To pull down all the houses in the middle row between the paved alley adjoining to Saint Sepulchre's church and Giltspur Street, from the north end thereof quite through to the south end, which faces Hart Street, and lay the ground into the street.

To

To pull down all the houses in the middle row between the Great Old Baily and Little Old Baily, beginning at the north end thereof, which faces Hart Street, and proceeding southwards, including the Baptist's Head at the south end, facing the Great Old Baily, and lay the ground into the street.

To pull down the shops or sheds under Saint Dunstan's church in Fleet Street, and lay the ground into the street.

In Langbourn ward.

To pull down such part of the houses, at the end of Mark Lane, next to Fenchurch Street, as will make the passage there thirty feet wide.

To pull down such part of the houses at the east end of Lombard Street as will make the passage there thirty feet wide.

In the ward of Portoken.

To pull down the house at the north east corner of Houndsditch, and adjoining to the churchyard, and lay the ground thereof into the street.

In Tower ward.

To pull down such part of the houses on Saint Dunstan's Hill, adjoining to the George alehouse, and opposite to the chain, and such part of the arches opposite to the end of Saint Dunstan's church, as will make the passage there thirty feet wide.

To pull down the house at the north west corner of Great Tower Street, which is now the dwelling house of John Crawford, a brushmaker, and also the house at the south east corner of Little Tower Street, now in the occupation of messieurs Julon and Lindner, hatlers, in order to make that dangerous passage safe and convenient.

To pull down the house in Mark Lane which adjoins to the house of Allhallows Staining, and projects twelve feet before the other houses, in order to make it range in a line with the said houses, and enlarge the narrow passage there.

In the ward of Vintry.

To pull down the houses on the north side of Thames Street which are situated between Elbow Lane to College Hill, and also those houses on the south side of the said street which reach from Vintners Hall to Bull Wharf Lane, in order to make the said street forty feet wide.

To pull down the house at the corner of Tower Royal, facing College Hill, and lay the ground into the street.

In the ward of Wallbroke.

To pull down the house at the north east corner of Bucklersbury, which projects before the other buildings.

In Bishopsgate ward.

To pull down the two houses between New Broad Street and New Broad Street Buildings, which project so far into the street as to make

Anno tricesimo tertio GEORGII II. c. 31,--39. [1760.
*make the passage and communication to the said streets very narrow
 and inconvenient.*

C A P. XXXI.

An act for regulating the proceedings in personal actions in the respective courts baron of the hundred of High Peak, and manor of Castleton, in the county of Derby.

C A P. XXXII.

An act for draining and preserving certain fen lands and low grounds in the isle of Ely, and counties of Suffolk and Norfolk, between Mildenhall River south, Plant Load and Brandon River north, bounded on the west by the river Ouse, and on the east by Winter Load, Earwell Brooke, and the Hard Lands of Mildenhall; and for empowering the governor, bailiffs, and commonalty, of the company of conservators of the great level of the fens, commonly called Bedford Level, to sell certain fen lands lying within the limits aforesaid, commonly called Invested Lands.

C A P. XXXIII.

An act to amend and render more effectual two acts passed in the eleventh and seventeenth years of the reign of his present Majesty, for repairing several roads leading to and from the town of Derby, in the county of Derby.

C A P. XXXIV.

An act for making more effectual, and continuing the term, and enlarging and altering the powers, of an act made in the twentieth year of his present Majesty's reign, for repairing and widening the road leading from the city of Gloucester, towards the city of Hereford; and for repairing other roads in the county of Gloucester, in the said act mentioned.

C A P. XXXV.

An act for erecting piers, and other works, for the security and improvement of the harbour of New Shoreham, in the county of Sussex, and for keeping the same in repair.

C A P. XXXVI.

An act for repairing several roads leading to the town of Oakhampton, in the county of Devon.

C A P. XXXVII.

An act for enlarging the term and powers of two acts made in the fifth year of his late Majesty, and in the ninth year of his present Majesty's reign, for repairing the road from Beaconsfield in the county of Bucks, to Stoken Church in the county of Oxon.

C A P. XXXVIII.

An act for enlarging the term and powers granted by an act made in the twenty fifth year of the reign of his present Majesty, for repairing and widening the road leading from Market Harborough in the county of Leicester, to the pound in the parish of Brampton in the county of Huntingdon; and by one other act made in the twenty seventh year of the reign of his present Majesty, for explaining, amending, and rendering more effectual the said former act.

C A P. XXXIX.

An act for repairing and widening the road from the turnpike road near the west end of the town of Chesterfield to Matlock Bridge; and also the road leading out of the said road over Darley Bridge to Cross Green; and also the road leading out of the last mentioned road, to the turnpike road near Rowsley Bridge, in the county of Derby.

C A P.

CAP. XL.

An act for extending the powers granted by an act passed in the twenty fifth year of the reign of his present Majesty, for repairing the road leading from the Royal Oak on Wrotham Heath, to the town of Wrotham, in the county of Kent, and from thence to the village of Foots-Cray, in the said county, to the road leading from the Royal Oak on Wrotham Heath, to the town of Maidstone.

CAP. XLI.

An act for amending, widening, and keeping in repair, the high road from the borough of Tamworth, to Ashby de la Zouch, in the county of Leicester; and from Sawley Ferry in the said county, to a turnpike gate, at or near the end of Swarcliff Lane, leading to Ashby de la Zouch aforesaid.

CAP. XLII.

An act for repairing and widening the roads from Haleworthy, in the parish of Davidstow, in the county of Cornwall, to the east end of Wadebridge in the said county; and from the west end of Wadebridge aforesaid, into and through the borough of Mitchell in the said county.

CAP. XLIII.

An act for enlarging the term and powers granted by several acts of parliament of the eighth year of her late majesty Queen Anne, the ninth year of his late majesty King George the First, and the fifteenth year of his present Majesty's reign, for repairing the highways between the house commonly called The Horse-shoe House, in the parish of Stoke Goldington in the county of Bucks, and the town of Northampton, and the road from the north bridge of Newport Pagnel in the county of Bucks, to The Horse-shoe House.

CAP. XLIV.

An act for enlarging the term and powers contained in two several acts of parliament, made in the twelfth and sixteenth years of the reign of his present Majesty, for repairing the road from the Dun Cow in the town of Dunchurch, to the town of Hillmorton in the county of Warwick; and from thence to Saint James's end, in the parish of Dulton, in the county of Northampton; and for making the same acts more effectual.

CAP. XLV.

An act for extending and continuing the navigation of the river Wey, otherwise Wye, in the county of Surry, to the town of Godalming, in the said county.

CAP. XLVI.

An act for repairing and widening the high roads from Hinckley to Woeftull Bridge, and also from Hoo-ash-Lane, through Old Lane, and from Swannington to Lee Gutter; and from thence to Melbourn Common, and from Ibstock to Measham, in the counties of Leicester and Derby.

CAP. XLVII.

An act for amending, widening, and keeping in repair, several roads therein mentioned, lying in the counties of Derby, Leicester, and Warwick.

CAP. XLVIII.

An act for diverting, altering, widening, repairing, and amending, the roads from the town of Halifax, and from Sowerby Bridge, in the county of York, by Todmorden, to Burnley and Littleborough, in the county of Lancaster.

CAP.

CAP. XLIX.

An act to amend an act passed in the seventh year of the reign of his late majesty King George the First, for making the river Weaver navigable from Frodsham Bridge to Winsford Bridge, in the county of Chester; and for the more effectual preserving and improving the navigation of the said river.

CAP. L.

An act for amending, widening, and keeping in repair, several roads leading from the market house in the town of Kidderminster, in the county of Worcester.

CAP. LI.

An act for repairing and widening the road, from the bars at Boughton, within the liberties of the city of Chester, to Whitechurch; and from thence to Newport in the county of Salop, to Ivetsey Bank, in the county of Stafford; and from thence to Castle Bromwich, and Stone Bridge, in the parish of Hampton on Arden, in the county of Warwick; and from Castle Bromwich to Birmingham in the same county.

CAP. LII.

An act for rebuilding, widening, and enlarging, the bridge over the river Avon, in the city of Bristol, and erecting a temporary bridge adjoining; and for widening the streets, lanes, ways, and passages, leading thereto, and for building another bridge, over some other part of the said river, within the said city, if necessary; and for opening proper ways and passages thereto.

CAP. LIII.

An act for laying a duty of two pennies Scots, or one sixth part of a penny sterling, upon every Scots pint of ale, porter, or beer, brewed for sale, or vended, within the town and parish of Dalkeith.

CAP. LIV.

An act for raising money for finishing and completing the repair of Leeds Bridge, in the county of York, and for the purchasing and taking down the houses and buildings, which straiten and obstruct the passage to and over the said bridge.

CAP. LV.

An act for amending and widening the road, from Bawtry to Sheffield, and from Sheffield to the south side of Wortley, in the county of York, where it joins the turnpike road, leading from Rotherham to Manchester.

CAP. LVI.

An act for repairing and widening the roads from Deanburn Bridge, through Greenlaw, and part of the Jedburgh road, by Lauder, in the shire of Berwick, to Cornhill in the county of Durham; and for building a bridge over the Tweed, near Coldstream.

CAP. LVII.

An act for the amending, widening, and keeping in repair, the road leading from the thirty nine mile stone, at the upper end of Stone Street, in the town of Maidstone in the county of Kent, to a certain place called Tubb's Lake, in the parish of Cranbrooke, in the said county.

CAP. LVIII.

An act for repairing the roads from the town of Brecon, to the parish of Brobury, and to Whitney Passage, in the county of Hereford, and for building a bridge over the river Wye, at Bredwardine Passage, in the same county.

CAP. LIX.

An act for amending, widening, and keeping in repair, several roads, leading to the borough of Launceston, in the county of Cornwall.

*Anno Regni GEORGII III. Regis Magnæ
Britanniæ, Franciæ, & Hiberniæ, primo.*

AT the parliament begun and holden at Westminster, the thirty first day of May, Anno Dom. one thousand seven hundred and fifty four, in the twenty seventh year of the reign of our late sovereign lord George the Second, by the grace of God, of Great Britain, France, and Ireland, King, defender of the faith, &c. And from thence continued by several prorogations to the eighth day of November, one thousand seven hundred and sixty, being the eighth session of this present parliament.

C A P. I.

An act for the support of his Majesty's household, and of the honour and dignity of the crown of Great Britain.

May it please your most excellent Majesty,

WHEREAS by an act of parliament made in the first year of the reign of our late sovereign lord King George the Second, of blessed memory, intituled, An act for the better support of his Majesty's household, and of the honour and dignity of the Preamble, re- crown of Great Britain, it was, amongst other things, enacted, That citing acts, the rates and duties of excise upon beer, ale, and other liquors, which ^{1 Geo. 2.} had been granted to his majesty King Charles the Second, by an act made in the twelfth year of his reign, intituled, A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue, during his life; and which were granted to their late majesties King William and Queen Mary, by an act ^{12 Car. 2.} made in the second year of their reign, for their lives, and the life of the survivor of them; and which were continued to their late majesties Queen Anne and King George the First, for their lives respectively (a certain duty of six pence for every barrel of vinegar beer excepted) and also a duty of six pence, part of a duty of eight shillings, which was granted to his said late majesty King William, for and upon every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, which should be brewed or made of any English or foreign materials, by any person or persons whatsoever, for sale; and so in proportion for a greater or lesser quantity, by an act made in the tenth year of his reign; and likewise the further subsidy of tunnage and poundage, and other duties upon wines, goods, and merchandizes, which had been granted to his said late majesty King William, for his life, by an act made in the ninth year of his reign, intituled, An act for granting to his Majesty a further subsidy of tonnage and poundage, towards raising the yearly sum of seven hundred thousand pounds, for the service of his Majesty's household, and ^{9 Will. 3.} other

1 Geo. 1.

other uses therein mentioned, during his Majesty's life, and continued to their said late majesties Queen Anne and King George the First, for their lives respectively, should be levied, collected, and paid, to his said late majesty King George the Second, for and during the term of his natural life; and also that the yearly sum of one hundred and twenty thousand pounds, granted out of the aggregate fund to his late majesty King George the First, during his life, by an act made in the first year of his reign, (intituled, An act for enlarging the fund of the governor and company of the bank of England, relating to exchequer bills; and for settling an additional revenue of one hundred and twenty thousand pounds *per annum* upon his Majesty, during his life, for the service of the civil government; and for establishing a certain fund of fifty four thousand six hundred pounds *per annum*, in order to raise a sum not exceeding nine hundred and ten thousand pounds for the service of the publick, by sale of annuities, after the rate of six pounds *per centum per annum*, redeemable by parliament; and for satisfying an arrear for work and materials at *Blenheim*, incurred whilst that building was carried on at the expence of her late majesty Queen Anne, of blessed memory; and for other purposes therein mentioned;) should be continued to his late majesty King George the Second, for and during the term of his natural life, in the manner in the said act mentioned: and in and by the said first mentioned act made in the first year of the reign of his said late majesty King George the Second, it was enacted and declared, That the hereditary rates and duties of excise upon beer, ale, and other liquors, which were granted to the crown in the twelfth year of the reign of King Charles the Second, and the said duties of excise upon beer, ale, and other liquors, which had been granted to the late Queen Anne, by an act of the first year of her reign, for her life (subject nevertheless to the incumbrances in that act mentioned) and the said further subsidy of tonnage and poundage, and other duties thereby granted; and the said yearly sum of one hundred and twenty thousand pounds out of the aggregate fund; and the revenue arising in the general letter office, or post office, or office of postmaster general; and the small branches of his Majesty's revenues therein particularly described or mentioned (except as is therein excepted) should be for the support of his Majesty's household, and of the honour and dignity of the crown, as by the said act of the first year of his said late Majesty's reign (relation being thereunto had) may more fully appear: and by virtue of one other act made in the fourth year of the reign of his said late majesty King George the Second, intituled, An act for further encouraging the manufacture of British sail cloth, by taking off the duties and drawbacks therein mentioned; and allowing an additional bounty on British made sail cloth exported; and for stamping British made sail cloth with the name and place of abode of the maker; a certain yearly sum was paid out of the aggregate fund to his said late Majesty, during his life, in lieu of such part of the duties on the importation of rough and undressed flax, thereby discontinued, as was applicable to the support of his Majesty's household, and of the honour and dignity of the crown

4 Geo. 2.

crown: and by one other act made in the ninth year of the reign of his 9 Geo. 2.
said late Majesty, intituled, An act for laying a duty upon the re-
tailers of spirituous liquors, and for licensing the retailers thereof,
the yearly sum of seventy thousand pounds was granted to his said Ma-
jefty, during his life, towards the support of his Majesty's household
and family, and other his expences and occasions, in lieu of cer-
tain duties on low wines and spirits, thereby made part of the said
fund: and in pursuance of one other act made in the twelfth year of 12 Geo. 2.
the reign of his said late Majesty, intituled, An act for taking off
the duties upon woollen and bay yarn imported from Ireland to
England; and for the more effectual preventing the exportation
of wool from Great Britain, and of wool, and wool manufactured,
from Ireland to foreign parts; a certain yearly sum was paid to his
said late Majesty during his life, in lieu of such part of the duties
thereby discontinued, on the importation of woollen and bay yarn from
Ireland, as was applicable towards the support of his Majesty's
household, and of the honour and dignity of the crown: and by one
other act made in the thirtieth year of the reign of his said late Majesty, 30 Geo. 2.
(intituled, An act for granting to his Majesty several rates and
duties upon indentures, leases, bonds, and other deeds, and
upon news papers, advertisements, and almanacks, and upon
licences for retailing wine; and upon coals exported to foreign
parts; and for applying, from a certain time, the sums of money
arising from the surplus of the duties on licences for retailing spi-
rituous liquors; and for raising the sum of three millions by an-
nuities, to be charged on the said rates, duties, and sums of
money; and for making perpetual an act made in the second
year of the reign of his present Majesty, intituled, An act for the
better regulation of attornies and solicitors; and for enlarging the
time for filing affidavits of the execution of contracts of clerks
to attornies and solicitors; and also the time for payment of the
duties omitted to be paid for the indentures and contracts of
clerks and apprentices) the yearly sum of seven thousand and two
pounds, fourteen shillings and three pence, was directed to be paid to
his said Majesty, his heirs, and successors, out of the monies which
should arise from the new duties thereby granted on licences to retail
wine, in lieu of the former duties: and whereas your Majesty has
been graciously pleased to signify your consent to your faithful commons
in parliament assembled, That whenever they should enter upon the
consideration of making provision for your household, and the honour
and dignity of your crown, such disposition might be made of your Ma-
jefty's interest in the hereditary revenues of the crown, as might best
conduce to the utility and satisfaction of the publick; thereby giving
the most substantial proof of your tender concern for the welfare of your
people; and that the same is superior, in your royal breast, to all o-
ther considerations: We your Majesty's most dutiful and loyal subjects
the commons of Great Britain, in parliament assembled, with hearts
full of the warmest duty and gratitude, are desirous, That a certain
and competent revenue for defraying the expences of your Majesty's
civil government, and supporting the dignity of the crown of Great
Britain during your life (which God long preserve) may be settled on
your

*your Majesty; and that your Majesty may be enabled to make an honourable provision for the royal family, as a testimony of our unfeigned affection to your sacred person, by whose happy accession to the throne, your Majesty's subjects have the strongest assurance that the religion, laws, and liberties of this realm will be continued; and that they, your said subjects, and their posterity, may, through the divine goodness, enjoy every blessing under your Majesty's auspicious reign; have therefore freely and unanimously resolved to grant unto you, our most gracious sovereign lord King George the Third, a certain revenue payable out of the aggregate fund; and that the said temporary rates, duties, and impositions be continued, and the produce thereof, together with the produce of the hereditary revenues aforesaid, be made part of the said fund during your Majesty's life; and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and immediately after the demise of his said late majesty King George the Second, of blessed memory, for and during the term of the natural life of his majesty King George the Third (whom God long preserve) the said rates and duties of excise upon beer, ale, and other liquors, granted to his said majesty King Charles the Second, by the said act made in the twelfth year of his reign, intituled, *A grant of certain impositions upon beer, ale, and other liquors, for the increase of his Majesty's revenue during his life*; and which were granted to their late majesties King William and Queen Mary, by the said act made in the second year of their reign, for their lives, and the life of the survivor of them; and which were continued to her said late majesty Queen Anne, by the said act of the first year of her reign, for her life; and which were continued to his said majesty King George the First, by an act of the first year of his reign, for his life; and to his said late majesty King George the Second, by the said act made in the first year of his reign, for his life (other than and except the said duty of six pence for every barrel of vinegar beer, before mentioned to have been formerly excepted) and also the said duty of six pence, part of the said duty of eight shillings, for every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, which shall be brewed or made of any *English* or foreign materials, by any person or persons whatsoever, for sale, and so in proportion for a greater or lesser quantity, imposed by the said act of the tenth year of the reign of his said late majesty King William the Third; shall be raised, levied, collected, and paid, in the same manner and form, and by such rules, ways, means, and methods, and under such penalties, forfeitures, and disabilities, and with such allowances and exemptions as are mentioned and expressed in the before mentioned acts, or any of them, or by any other law now in force relating to the revenue of excise; and that all and every the said laws relating to the revenue of excise shall be of full force and effect, to all intents and purposes, for the levying, receiving, ascertaining, and*

The hereditary rates and duties of excise originally granted by act 12 Car. 2. to be levied and paid as heretofore, from the demise of the late King, for and during the life of his present Majesty Geo. 3.

Duty on vinegar.

and all laws relating to the revenues of

recovering, the said duties of excise, upon beer, ale, and other liquors; and the said duty of six pence, part of the said duty of eight shillings, for every barrel of vinegar, vinegar beer, or liquor preparing for vinegar, hereby granted or continued, in the like manner as if the same were repeated and enacted in the body of this present act.

II. And be it also enacted by the authority aforesaid, That the said further subsidy of tonnage and poundage, and other duties upon wines, goods, and merchandizes granted by the said act made in the ninth year of the reign of his said late majesty King *William*, for his life; and continued to her said late majesty Queen *Anne*, by the said act of the first year of her reign, for her life; and afterwards continued to his said majesty King *George* the First, by the said act of the first year of his reign, for his life; and to his said late majesty King *George* the Second, by the said act of the first year of his reign, for his life; and also all such other subsidies and duties as were payable by virtue of any act or acts of parliament on the twenty fourth day of *October*, one thousand seven hundred and sixty, and were settled or appointed to be towards the support of the household of his said late majesty King *George* the Second, and of the honour and dignity of the crown; shall, from and immediately after the demise of his said late majesty King *George* the Second, be, during the life of our said sovereign lord King *George* the Third, raised, levied, collected, paid, and satisfied, by the same ways, means, and methods, and under the same penalties, forfeitures, and disabilities, and by the same rules and directions, and with the same allowances, exemptions, and drawbacks, as are prescribed in or by the said act of the ninth year of the reign of his said late majesty King *William*, or in any other act or acts of parliament now in force in that behalf; and that the said act of the ninth year of the reign of his said late Majesty King *William*, and other acts touching the said subsidies and duties, and all and every the articles, rules, and clauses, therein contained, or thereby referred unto, so far as the same relate to the raising, levying, collecting, or making allowances or drawbacks out of the same subsidies and duties, and any exemptions in respect thereof, shall be of full force and effect to all intents and purposes, during the life of our said sovereign lord King *George* the Third, as if the same were particularly and at large repeated and set down in the body of this act.

III. And it is hereby enacted and declared, That the produce of the said hereditary rates and duties of excise upon beer, ale, and other liquors, and the produce of the said duties of excise upon beer, ale, and other liquors, hereby continued for the term of his Majesty's life; and the produce of the said further subsidy of tunnage and poundage, and of other duties upon wines, goods, and merchandizes, and other subsidies and duties herein before-mentioned; and the produce of such other subsidies and duties as were payable on the twenty fourth day of *October*, one thousand seven hundred and sixty, and settled or appointed to

of excise, to be in force with respect to the said duties,

The subsidy of tonnage and poundage granted by act 9 Will. 3. and continued by several subsequent acts,

and all other subsidies and duties payable on 24 Oct. 1760, towards the support of the crown, to be levied and paid as heretofore, during the life of his present Majesty;

and all laws relating thereto, to be in force with respect to the due levying, &c. the same.

Produce of the hereditary rates, and duties of excise;

Subsidies of tunnage and poundage;

Revenues of the post office;
alienation office;
post fines,
annuity on wine licences;
sheriffs proffers, compositions in the exchequer, seizures, rents;
(duchy of Cornwall excepted)
and other branches, and revenues; appropriated for support of the crown, (charges of levying and managing the same, excepted)

are to be carried into, and made part of the aggregate fund;

subject however to the several annuities and incumbrances charged thereon by any former act or acts.

be towards the support of the household of his said late majesty King George the Second, and of the honour and dignity of the crown; and the said revenue of the general letter office or post office, or office of post master general; and the small branches of his Majesty's revenues herein after expressed; that is to say, The monies arising by fines for writs of covenant and writs of entry, payable in the alienation office; the monies arising by the post fines; the said yearly sum of seven thousand and two pounds, fourteen shillings, and three pence, payable out of the monies arising by the new duties on licences to retail wine; the monies arising by sheriffs proffers, and compositions in the exchequer, and seizures of prohibited and uncustomed goods; the revenue arising to his Majesty by rents of lands, or for fines of leases of the same, or any of them (except the revenue of the duchy of Cornwall) and all other branches and revenues which on the twenty fourth day of October, one thousand seven hundred and sixty, stood settled or appointed to be towards the support of the household of his said late majesty King George the Second, and the honour and dignity of the crown, during his said late Majesty's life as aforesaid (except the monies which shall be necessary to defray such expences as shall have been incurred in the collection and management of all the said subsidies, duties, branches, and revenues, and except such sums as were issuing and payable out of the aggregate fund as aforesaid; and also except such revenues, rents, and hereditaments, as have been granted or passed to any person or persons, bodies politick or corporate, by or in pursuance of any act or acts of parliament in that behalf; and except all charges of particular annuities or sums of money on the said revenues, or any of them, made or allowed of by any act or acts of parliament whatsoever) shall, from and immediately after the demise of his said late majesty King George the Second, be, during his present Majesty's life, carried to, and made part of, the general or aggregate fund established by the act of the first year of the reign of his late majesty King George the First; and be, during the said term, issued and applied, in manner herein after-mentioned, to the uses to which the said fund is or shall be made applicable: nevertheless, the said hereditary duties of excise; and the said duties of excise continued for his Majesty's life, as aforesaid; and the said revenues of the general letter office, or post office, or office of post master general; shall respectively be liable to; and charged with, the several particular annual, weekly, or other payments or incumbrances charged on or directed to be set apart out of the said hereditary duties of excise, and the said duties of excise granted for the life of his said late majesty King George the Second, and the said revenues of the general letter office, or post office, or office of post master general, or any of them, by any former or other act or acts of parliament, in the same manner, and for the same uses, intents, and purposes, and under and subject to the like penalties, forfeitures, and disabilities, for any offences in or about the same, as the said last-mentioned duties

or revenues, or any of them, were subject or liable unto at the time of the demise of his said late majesty King George the Second, as fully and effectually, to all intents and purposes, as if the same had been by this act particularly charged on or directed to be set apart out of the duties or revenues hereby continued, during his present Majesty's life; any thing herein contained to the contrary notwithstanding.

IV. And be it further enacted by the authority aforesaid, That for the support of his Majesty's household, and of the honour and dignity of the crown, there shall be granted and continued, and issuing and payable, out of the said fund called *The clear The Aggregate Fund*, from and immediately after the demise of his said late majesty King George the Second, to his present Majesty during his life (which God long preserve) the revenue, or yearly rent or rents, or sum or sums of money herein after-mentioned; that is to say, 'The clear yearly rent or sum of seven hundred and twenty three thousand pounds, during the continuance of an annuity of fifty thousand pounds payable, by virtue of an act made in the tenth year of the reign of his said late majesty King George the Second, to her royal highness the princess dowager of *Wales*; and of the annuities payable by virtue of an act made in the twelfth year of the reign of his said late Majesty, of fifteen thousand pounds to his royal highness *William* duke of *Cumberland*, and the heirs male of his body; and twelve thousand pounds to her royal highness the princess *Amalie*; and in case of the determination of one or more of the said annuities, then, and immediately from thenceforth, such clear yearly rent or sum over and above, and in addition to, the said yearly rent or sum of seven hundred and twenty three thousand pounds, as the annuity or annuities so determined shall have amounted to; and in case of the determination of all the said annuities, then, and immediately from thenceforth, the clear yearly rent or sum of eight hundred thousand pounds; and the said yearly rents or sums for the support of his Majesty's household, and of the honour and dignity of the crown, shall be and are hereby charged upon, and shall be paid and payable from time to time out of, the duties and revenues which do or shall compose the said fund, commonly called *The Aggregate Fund*, or any of them (after paying, or reserving sufficient to pay, all such sum and sums of money as have been directed by any former act or acts of parliament to be paid out of the same, but with preference to all other payments which shall or may hereafter be charged upon, or payable out of, the said fund) and that the sum of one hundred forty nine thousand five hundred eighty six pounds, four shillings, and one penny halfpenny, shall be issued and paid out of the said fund for the support of his Majesty's household, and of the honour and dignity of the crown, from the twenty fifth day of *October*, one thousand seven hundred and sixty, to the sixth day of *January*, one thousand seven hundred and sixty one, being the proportion of the said annual rent for the said term; and that from and after the fifth day of *January*, one

The clear yearly sum of 723,000 l. to be paid out of the aggregate fund, for the support of his Majesty's household, and of the honour and dignity of the crown, during the continuance of the several annuities of 50,000 l. to the princess dowager of *Wales*; 15,000 l. to the duke of *Cumberland*; and 12,000 l. to the princess *Amalie*; with the addition of the said annuities, as they shall severally determine; and, upon their determination, the clear yearly sum of 800,000 l. to be then paid him.

149,586 l. 4s. 1d. 2q. directed to be paid, as the proportion thereof, from 24 Oct. 1760, to 5 Jan. 1761. and from 5 Jan. 1761,

the said yearly revenue to be paid by equal portions, quarterly; viz. on 5 April, 5 July, 10 Oct. and 5 January. The first payment to be made on 5 April, 1761. Treasury authorized and required to issue payment of the same accordingly, daily, weekly, or otherwise, as soon as the same can be satisfied, &c.

thousand seven hundred and sixty one, the said yearly rents or sums of money shall grow due and be payable to his Majesty quarterly at the four most usual days of payment in the year; that is to say, The fifth day of *April* the fifth day of *July*, the tenth day of *October*, and the fifth day of *January*, by even and equal portions, out of the monies of the said aggregate fund; the first quarterly payment thereof to be made on the fifth day of *April*, one thousand seven hundred and sixty one: and the commissioners of his Majesty's treasury, or any three or more of them, and the high treasurer and under treasurer of the exchequer for the time being, shall and may, and they are hereby authorized and required to cause the said yearly rent or sums of money respectively, or any arrears thereof, to be issued and applied, from time to time, daily, weekly, or otherwise, as soon as the same can be satisfied, in the order and course aforesaid, for the uses and purposes by this act appointed, out of the monies arisen or to arise as aforesaid, so as by the said daily, weekly, or other payments, one fourth part of such yearly rents or sums of money be not exceeded in, for, or in respect of, each quarter, and so that upon every of the said quarterly days, the whole then due thereupon be completed, made up, or satisfied, according to the true intent and meaning of this act.

V. *And whereas it may be proper for the support of his Majesty's household, and for defraying the charge of his civil government, and other his necessary expences and occasions, that money should be issued, from time to time, within each quarter, before the accounts of the said aggregate fund shall be made up and settled; be it therefore enacted by the authority aforesaid, That the commissioners of his Majesty's treasury, or any three or more of them, and the high treasurer and under treasurer of the exchequer for the time being, shall and may, and they are hereby fully authorized and impowered, from time to time, between the respective days or periods of time appointed or to be appointed for making up and settling the accounts of the said aggregate fund, to cause any payment or payments to be made in advance to or for his Majesty's use, or on his behalf, out of all or any monies which have arisen, or shall arise, in the receipt of the exchequer, by the produce of all or any of the said hereditary and temporary revenues herein before directed to be carried to, and made part of, the said fund (except only such part of the produce of the duties on low wines, strong waters, brandy, rum, arrack, and other spirits, as by the said act made in the ninth year of his said late Majesty's reign were united to, and made part of, the aggregate fund, and farther continued by this act) so that the whole of such payments, together with all other payments out of the monies composing the said fund, do not exceed, for the purposes aforesaid, between the said twenty fifth day of *October*, one thousand seven hundred and sixty, and the sixth day of *January* following, the said sum of one hundred forty nine thousand five hundred eighty six pounds, four shillings, and one penny halfpenny, herein before limited; nor exceed in, or*

in

and to make payments in advance, for his Majesty's use, from time to time;

so as not to exceed the quarterly allowance.

in respect of, any one quarter, the fourth part of the annual rent or sum which shall be then charged upon the said fund by virtue of this act; any thing herein, or in any other act or acts of parliament, to the contrary notwithstanding.

VI. And be it further enacted by the authority aforesaid, That his Majesty shall be impowered, from time to time, to grant a sum not exceeding five thousand pounds *per annum*, to the lord chancellor, lord keeper, or commissioners for the custody of the great seal of *Great Britain*, in the usual and accustomed manner, to be from time to time paid by the paymaster or receiver of the revenues of the general letter office, or post office, or office of post master general for the time being, out of the said revenues, according to the tenor of such grant; and such payment shall be considered as part of, and shall be deducted from the annual rent or sum by this act granted to his Majesty, for the support of his civil government; any thing in this act to the contrary thereof notwithstanding.

His Majesty impowered, to grant out of the revenue of the post office, 5,000l. per ann. to the lord chancellor, lord keeper, or commissioners for the custody of the great seal; the same to be considered as part of the government.

VII. And be it further enacted by the authority aforesaid, That the commissioners of the treasury, and the high treasurer, chancellor, and under treasurer, chamberlains, and barons of the *Exchequer*, and all other the officers and ministers of the court of *Exchequer*, and of the receipt thereof, shall, and they are hereby authorized and required, to do all such acts, matters, and things, as are herein before directed, or shall be necessary to be done and performed by them, or any or either of them, in order to render this act, and the several payments hereby directed, effectual.

Commissioners of the treasury, and officers and ministers of the exchequer, authorized and required to do all things necessary towards the due execution of this act.

VIII. Provided nevertheless, and be it enacted by the authority aforesaid, That the several and respective duties and revenues, which were payable to his late majesty King *George the Second*, in that part of *Great Britain* called *Scotland*, for and during his life, shall be continued, raised, levied, and paid, from the demise of his said late Majesty, during the life of his present Majesty, in the same manner only, and subject to the same, or the like charges thereon, as the same were liable or subject to, during his said late Majesty's life: saving always, to all and every person and persons, bodies politick and corporate, their heirs and successors, executors, administrators, and assigns (other than to our said sovereign lord the King, his heirs, and successors, and other than to such person or persons, who do or may stand seized or possessed in trust for his Majesty, his heirs, and successors) all such rights, titles, estates, customs, interests, claims, and demands whatsoever, of, in, or to, or out of, the revenues, hereditaments, and other the premises aforesaid, or any of them, as they, or any of them, had or ought to have had, at the making of this act, as fully and effectually to all intents and purposes as if this act had never been made; any thing herein contained to the contrary notwithstanding.

The duties and revenues payable in Scotland to the late King, to be levied and paid in like manner, from his demise, during the life of his present Majesty. Reservation of rights of particular persons, bodies politick and corporate.

IX. And be it further enacted by the authority aforesaid, That nothing in this act contained, shall extend, or be construed

Reservation of the rights and prerogatives

of the crown,
with respect to
the small
branches of
the hereditary
revenues,
granted by act
1 Annæ ;

strued to extend, to impeach or diminish any rights, privileges, powers, and prerogatives, over the said small branches of his Majesty's hereditary revenue, herein particularly mentioned, and used; exercised, and enjoyed, or which might have been used, exercised, and enjoyed, by any of his Majesty's royal predecessors, since the passing of an act in the first year of the reign of her late majesty Queen Anne, intituled, *An act for the better support of her Majesty's household, and of the honour and dignity of the crown*; other than the power of granting, during his Majesty's life, or for any term of years determinable upon his life, or otherwise, the profits and produce of any such of the said small branches, as are subject to the restrictions of the said last-mentioned act, with respect to the free and absolute disposition thereof, in derogation of the special purpose of this present act, to carry the same to the aggregate fund.

and to leases,
grants, or
assurances
thereof; or
suits, &c. for
recovery of
the same;

X. And be it further enacted by the authority aforesaid, That nothing in this act contained, shall extend, or be construed to extend, in any wise to impair or affect any rights or powers of controul, management, or direction, which have been, or may be exercised by authority of the crown, or other lawful warrant, relative to any leases, grants, or assurances, of any of the said small branches of his Majesty's hereditary revenues, or to any suits or proceedings for recovery of the same, or to compositions made, or to be made, on account of any of the said small branches; or to any remission, mitigation, or pardon, of any penalties or forfeitures, incurred, or to be incurred, by the importation of prohibited and uncustomed goods; or to fines taken, or to be taken, or to rents, boons, and services, reserved, or to be reserved, upon such grants, leases, and assurances, or to the mitigation or remission of the same; or to any other lawful act, matter, or thing, which has been, or may be done, touching the said branches; but that the said rights and powers shall continue to be used, exercised, and enjoyed, in as full, free, ample, and effectual manner, to all intents and purposes, as if this act had not been made, and as the same have been, or might have been enjoyed since the making of the said act of the first year of the reign of her late majesty Queen Anne; subject nevertheless, to all such restrictions and regulations, as were enacted by the said act, to bind her Majesty, her heirs, and successors, and with the benefit of all such clauses, savings, and provisoes, as are contained in the said act; it being the true intent and meaning of this act, that the said rights and powers shall not in any degree be abridged or restrained, or affected in any manner whatsoever, but only that the monies arising from the full and free exercise and enjoyment of them, so subject as aforesaid, shall, during his Majesty's life, be carried to, and made part of the aggregate fund.

mitigations,
pardons,
fines, rents,
boons, and
services, &c.

Subject nevertheless to the restrictions mentioned in the recited act of 1 Annæ. Intention of this act.

CAP. II.

An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty one.

WE, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, taking into our serious consideration such expences as are absolutely necessary for supporting your Majesty's government, and being resolved to supply the same, have for that end and purpose cheerfully and voluntarily given and granted, and do by this act give and grant unto your Majesty, the several and respective rates and assessments hereafter mentioned; and we do most humbly beseech your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the sum of two millions thirty seven thousand eight hundred fifty four pounds, nineteen shillings, and eleven pence, shall be raised, levied, and paid unto his Majesty, within the kingdom of *Great Britain*, by such proportions, and in such manner and form, as hereafter in this act are expressed.

Preamble.

2,037,854 l.
19 s. and 11 d.
to be raised in
Great Britain.

II. And it is hereby declared and enacted by the authority aforesaid, That the sum of one million nine hundred eighty nine thousand nine hundred pounds, eighteen shillings, and nine pence, part of the said sum of two millions thirty seven thousand eight hundred fifty four pounds, nineteen shillings, and eleven pence, shall be raised, levied, and paid, unto his Majesty, within the space of one year, from the twenty fifth day of *March*, one thousand seven hundred and sixty one, and shall be assessed and taxed in the several counties, cities, boroughs, towns, and places of *England*, *Wales*, and *Berwick upon Tweed*, according to the proportions in manner following; that is to say,

1,989,900 l.
18 s. and 9 d.
to be raised in
England, in
one year,
from 25 Mar.
1761.

FOR the town of *Bedford*, the sum of six hundred and ninety two pounds, eleven shillings, and one penny.

For the rest of the county of *Bedford*, the sum of twenty seven thousand eight hundred and sixty two pounds, three shillings, and ten pence halfpenny.

For the borough of *New Windsor*, and the castle there, the sum of nine hundred seventy eight pounds, and ten shillings.

For the rest of the county of *Berks*, the sum of thirty nine thousand eight hundred sixty five pounds, nine shillings, and five pence.

For the borough of *Bucks*, with *Borton*, *Borton-hold*, *Prebend-end*, *Gawcott*, and *Lendborough*, the sum of six hundred and thirteen pounds, and five pence halfpenny.

For the borough of *Wicomb*, the sum of three hundred fifty eight pounds, seventeen shillings, and six pence.

For the rest of the county of *Bucks*, the sum of forty six thousand one hundred seventy pounds, thirteen shillings, and eight pence halfpenny.

For the university of *Cambridge*, the sum of one hundred pounds.

For the town of *Cambridge*, the sum of two thousand seven hundred forty six pounds, three shillings, and one penny.

For the isle of *Ely*, the sum of eight thousand and eight pounds, five shillings, and seven pence halfpenny.

For the rest of the county of *Cambridge*, the sum of twenty one thousand eight hundred seventy eight pounds, six shillings, and ten pence halfpenny.

For the city and county of the city of *Chester*, the sum of one thousand five hundred eighty four pounds, and seven shillings.

For the county of *Chester*, the sum of twenty seven thousand and fourteen pounds, eighteen shillings and ten pence halfpenny.

For the county of *Cornwall*, the sum of thirty one thousand nine hundred forty three pounds, and one shilling.

For the county of *Cumberland*, the sum of three thousand seven hundred thirteen pounds, eighteen shillings, and two pence halfpenny.

For the county of *Derby*, the sum of twenty four thousand ninety three pounds, nineteen shillings, and nine pence halfpenny.

For the city and county of the city of *Exon*, the sum of four thousand seven hundred and eight pounds, and five pence halfpenny.

For the county of *Devon*, the sum of seventy seven thousand eight hundred seventy five pounds, two shillings, and ten pence halfpenny.

For the town and county of the town of *Poole*, the sum of three hundred twenty eight pounds, and two shillings.

For the county of *Dorset*, the sum of thirty two thousand seven hundred fifty one pounds, fifteen shillings, and ten pence halfpenny.

For the county of *Durham*, the sum of ten thousand five hundred ninety seven pounds, fourteen shillings, and five pence halfpenny.

For the west riding of the county of *York*, the sum of thirty nine thousand three hundred sixty two pounds, one shilling, and one penny.

For the north riding of the county of *York*, the sum of twenty six thousand three hundred forty seven pounds, nineteen shillings and eight pence.

For the east riding of the county of *York*, the sum of nineteen thousand one hundred eleven pounds, two shillings, and eleven pence.

For the city of *York*, and county of the same city, the sum of four thousand six hundred nineteen pounds, eighteen shillings, and eight pence.

For

For the town and county of the town of *Kingston upon Hull*, the sum of two thousand fifty three pounds, two shillings, and four pence.

For the town of *Malden* in the county of *Essex*, the sum of five hundred eighty four pounds, and eighteen shillings.

For the town of *Colchester*, the sum of two thousand eight hundred forty five pounds, six shillings, and three pence.

For the town of *Harwich* and *Dover Court*, the sum of four hundred and three pounds, thirteen shillings.

For the rest of the county of *Essex*, the sum of eighty five thousand five hundred sixty three pounds, nine shillings, and five pence.

For the city and county of the city of *Gloucester*, the sum of one thousand three hundred ninety six pounds, four shillings, and eight pence.

For the whole county of *Gloucester*, the sum of forty five thousand nine hundred forty two pounds, sixteen shillings, and four pence.

For the city of *Hereford*, the sum of seven hundred sixty three pounds, seventeen shillings, and four pence.

For the borough of *Leominster*, the sum of three hundred thirty three pounds, fifteen shillings, and eight pence.

For the rest of the whole county of *Hereford*, the sum of nineteen thousand three hundred eleven pounds, thirteen shillings, and eight pence.

For the borough of *Saint Albans*, in the county of *Hertford*, the sum of seven hundred seventy four pounds, and two shillings.

For the rest of the whole county of *Hertford*, the sum of forty one thousand five hundred ninety seven pounds, and six pence.

For the town of *Huntingdon*, the sum of four hundred thirty two pounds, twelve shillings, and eight pence.

For the rest of the county of *Huntingdon*, the sum of fifteen thousand and sixty four pounds, twelve shillings, and four pence.

For the city and county of the city of *Canterbury*, the sum of one thousand six hundred fifty two pounds, one penny, and one third part of a penny.

For the town and liberty of *Dover*, the sum of one thousand nine hundred twenty three pounds, thirteen shillings, and nine pence.

For the town of *Folkstone*, the sum of one hundred forty four pounds, and nineteen shillings.

For the town of *Fordwich*, the sum of seventy seven pounds, and eight shillings.

For the town of *Feversham*, the sum of five hundred nineteen pounds, ten shillings, and three pence.

For the town of *Tenterden*, the sum of eight hundred sixty three pounds, and two shillings.

For the town and liberty of *Sandwich*, the sum of nine hundred ninety one pounds, sixteen shillings, and six pence.

For

For the town and port of *New Romney*, the sum of two hundred forty nine pounds, and seventeen shillings.

For the town of *Lydd*, the sum of seven hundred sixty nine pounds, nineteen shillings, and six pence.

For the town and port of *Hythe*, and *West Hythe*, within the liberty of the said town and port, the sum of two hundred thirty six pounds, and fourteen shillings.

For the rest of the whole county of *Kent*, the sum of seventy five thousand one hundred twenty four pounds, four shillings, and four pence.

For the county of *Lancaster*, the sum of twenty thousand nine hundred eighty nine pounds, fourteen shillings, and six pence halfpenny.

For the borough of *Leicester*, the sum of six hundred thirty nine pounds, and twelve shillings.

For the rest of the county of *Leicester*, the sum of thirty four thousand and forty five pounds, ten shillings, and one penny halfpenny.

For the county of *Lincoln*, with the city and county of the city of *Lincoln*, the sum of seventy one thousand nine hundred seven pounds, and eight pence.

For the city of *London*, the sum of one hundred twenty three thousand three hundred ninety nine pounds, six shillings, and seven pence.

For *Serjeant's Inn* in *Chancery Lane*, the sum of thirty one pounds, and four shillings.

For the *Inner Temple*, and *Inns* of *Chancery* thereunto belonging, the sum of four hundred pounds.

For the *Middle Temple*, and *Inns* of *Chancery* thereunto belonging, the sum of two hundred seventy two pounds, and sixteen shillings.

For the society of *Lincoln's Inn*, and *Inns* of *Chancery* thereunto belonging, the sum of three hundred forty one pounds, seven shillings, and six pence.

For *Gray's Inn*, and the *Inns* of *Chancery* thereunto belonging, the sum of two hundred fifty two pounds, thirteen shillings, and four pence.

For the palaces of *Whitehall* and *Saint James*, the sum of thirty thousand seven hundred fifty four pounds, six shillings, and three pence.

For the city of *Westminster*, and liberties thereof, and offices executed in *Westminster Hall*, the sum of sixty three thousand and ninety two pounds, one shilling, and five pence.

For the rest of the county of *Middlesex*, the sum of one hundred and seven thousand six hundred and two pounds, eleven shillings and seven pence.

For the county of *Monmouth*, the sum of nine thousand eight hundred and twelve pounds, six shillings, and five pence halfpenny.

For the city and county of the city of *Norwich*, the sum of eight thousand five hundred eighteen pounds, eleven shillings, and eleven pence.

For

For the borough of *Great Yarmouth*, the sum of two thousand eight hundred and twenty pounds, three shillings, and one penny.

For the borough of *King's Lynn*, the sum of one thousand eight hundred fourteen pounds, and fourteen shillings.

For so much of the borough of *Thetford* as lies in the county of *Norfolk*, the sum of two hundred and thirty nine pounds.

For the rest of the county of *Norfolk*, the sum of seventy thousand nine hundred fourteen pounds, six shillings, and six pence halfpenny.

For the town of *Northampton*, the sum of eight hundred thirty pounds, seven shillings, and ten pence.

For the rest of the county of *Northampton*, the sum of forty six thousand eight hundred thirty nine pounds, three shillings, and seven pence.

For the town and county of the town of *Newcastle upon Tyne*, the sum of two thousand five hundred eighty pounds, sixteen shillings, and four pence.

For the town of *Berwick upon Tweed*, the sum of one hundred forty five pounds, and three shillings.

For the county of *Northumberland*, the sum of eleven thousand eight hundred twenty two pounds, and eighteen shillings.

For the town and county of the town of *Nottingham*, the sum of one thousand six hundred fourteen pounds, ten shillings, and seven pence halfpenny.

For the county of *Nottingham*, the sum of twenty five thousand six hundred sixty two pounds, and two pence.

For the university of *Oxon*, the sum of one hundred eleven pounds, seventeen shillings, and two pence.

For the city of *Oxon*, the sum of three thousand four hundred forty four pounds, six shillings, and three pence.

For the rest of the county of *Oxon*, the sum of thirty five thousand one hundred ninety five pounds, sixteen shillings, and four pence, and ten twelfth parts of a penny.

For the county of *Rutland*, the sum of five thousand five hundred twenty five pounds, three shillings, and ten pence halfpenny.

For the town of *Ludlow*, the sum of two hundred twenty six pounds, and two shillings.

For the county of *Salop*, the sum of twenty eight thousand eight hundred thirty pounds, seventeen shillings, and one penny halfpenny.

For the city and county of the city of *Bristol*, the sum of seven thousand three hundred ninety one pounds, ten shillings, and eight pence.

For the city of *Bath*, the sum of four hundred forty three pounds, and six shillings.

For the city of *Wells*, the sum of four hundred eighty one pounds, seventeen shillings, and six pence.

For the borough of *Bridgwater*, and *Haygrove-Tything*, the sum of three hundred sixty six pounds, and five shillings.

For

For the rest of the county of *Somerset*, the sum of sixty three thousand seven hundred ninety pounds, four shillings, and four pence.

For the town and county of the town of *Southampton*, the sum of seven hundred ninety four pounds, ten shillings, and one penny.

For the isle of *Wight*, the sum of six thousand two hundred seventy three pounds, and sixteen shillings.

For the rest of the county of *Southampton*, the sum of forty seven thousand eight hundred seventy two pounds, five shillings, and five six parts of a penny.

For the city and county of the city of *Litchfield*, the sum of four hundred twenty pounds, nineteen shillings, and four pence.

For the county of *Stafford*, the sum of twenty six thousand seven hundred pounds, three shillings, and ten pence.

For the town of *Ipswich*, the sum of two thousand sixty one pounds, three shillings, and six pence.

For the borough of *Bury Saint Edmonds*, the sum of two thousand one hundred and six pounds, and three shillings.

For the borough of *Dunwich*, the sum of forty pounds, three shillings, and six pence.

For the borough of *Eye*, the sum of five hundred and two pounds.

For the borough of *Sudbury*, the sum of five hundred and six pounds, eight shillings, and eight pence.

For so much of the borough of *Thetford* as lies in *Suffolk*, the sum of seventy nine pounds, and four shillings.

For the rest of the county of *Suffolk*, the sum of sixty eight thousand two hundred eleven pounds, and four pence, and two third parts of a penny.

For the county of *Surrey*, the sum of sixty six thousand one hundred thirty two pounds, nineteen shillings, and six pence halfpenny.

For the town and port of *Hastings*, and liberties thereof, the sum of three hundred seventy eight pounds, and six shillings.

For the liberty of *Seaford*, the sum of one hundred forty one pounds, and eighteen shillings.

For the liberty of *Pevensey*, the sum of one thousand eighty eight pounds, and ten shillings.

For the town and parish of *Rye*, the sum of four hundred seventy three pounds, and eighteen shillings.

For the town of *Winchelsea*, the sum of four hundred and five pounds.

For the rest of the county of *Suffex*, the sum of fifty seven thousand six hundred and three pounds eighteen shillings, and seven pence.

For the city and county of the city of *Coventry*, the sum of two thousand four hundred sixty three pounds, fourteen shillings, and nine pence.

For the county of *Warwick*, the sum of thirty seven thousand three

three hundred twenty five pounds, nineteen shillings, and seven pence.

For the city and county of the city of *Worcester*, the sum of two thousand two hundred twenty eight pounds, seventeen shillings, and eight pence.

For the county of *Worcester*, the sum of thirty one thousand three hundred fifty three pounds, nine shillings, and three pence.

For the city of *New Sarum*, the close of the same, and *Clarendon Park*, the sum of one thousand nine hundred thirty five pounds, sixteen shillings, and six pence.

For the rest of the county of *Wilts*, the sum of forty nine thousand seven hundred twenty one pounds, eleven shillings, and five pence.

For the county of *Westmorland*, the sum of three thousand and forty five pounds, three shillings, and nine pence halfpenny.

For the isle of *Angelsea*, the sum of one thousand six hundred thirty three pounds, seven shillings, and eleven pence.

For the borough of *Brecon*, the sum of one hundred seventy seven pounds, nineteen shillings, and eight pence.

For the rest of the county of *Brecon*, the sum of two thousand eight hundred seventy three pounds, eighteen shillings, and four pence.

For the county of *Cardigan*, the sum of one thousand three hundred seventy two pounds, sixteen shillings, and two pence.

For the county borough of *Carmarthen*, the sum of two hundred twenty nine pounds, eighteen shillings, and eight pence.

For the county of *Carmarthen*, the sum of four thousand one hundred forty pounds, three shillings, and eleven pence halfpenny.

For the county of *Carnarvon*, the sum of two thousand three hundred thirty seven pounds, six shillings, and seven pence.

For the county of *Denbigh*, the sum of six thousand eight hundred pounds.

For the county of *Flint*, the sum of two thousand three hundred fourteen pounds, and seventeen shillings.

For the county of *Glamorgan*, the sum of seven thousand nine hundred and six pounds, nine shillings, and ten pence.

For the county of *Merioneth*, the sum of two thousand four hundred thirty two pounds, fifteen shillings, and ten pence.

For the county of *Montgomery*, the sum of five thousand eight hundred fifty two pounds, eighteen shillings, and four pence.

For the county of *Pembroke*, the sum of two thousand nine hundred ninety seven pounds, seventeen shillings, and eight pence halfpenny.

For the county of *Radnor*, the sum of two thousand six hundred ninety two pounds, and six shillings.

For the town and county of the town of *Haverfordwest*, the sum of one hundred seventy four pounds, seventeen shillings, and four pence.

III. And be it further enacted by the authority aforesaid,
That

Personal estates (except desperate debts, stock on land, household goods, and loans to his Majesty) to pay 4s. in the pound.

Employments of profit (except military officers of the army or navy) to pay 4s. per pound.

Pensions and annuities out of the exchequer, &c. to pay, &c.

That towards raising the said several and respective sums of money, hereby charged on the respective counties, cities, boroughs, towns, and other places, in that part of *Great Britain* called *England, Wales, and Berwick*, as aforesaid, all and every person and persons, bodies politick and corporate, guilds, and fraternities, within the same respectively, having any estate in ready money, or in any debts whatsoever, owing to them within *Great Britain*, or without, or having any estate in goods, wares, merchandizes, or other chattels, or personal estate whatsoever, within *Great Britain*, or without, belonging to, or in trust for, them (except and out of the premises deducted such sums as he, she, or they, do *bona fide* owe, and such debts owing to them, as shall be adjudged desperate by the respective commissioners appointed by this act; and also except the stock upon lands, and such goods as are used for household-stuff; and also except such loans and debts as are or shall be owing from his Majesty, to any person or persons) shall yield and pay unto his Majesty, the sum of four shillings in the pound, according to the true yearly value thereof, for one year, (that is to say) for every one hundred pounds of such ready money and debts, and for every one hundred pounds worth of such goods, wares, and merchandizes, or other chattels or personal estate, the sum of twenty shillings, and so after that rate for every greater or less sum, or quantity, to be assessed, levied, and collected, in manner herein after mentioned; and that all and every person and persons, and all and every commissioner and commissioners, having, using, or exercising, any publick office or employment of profit, in *England, Wales, or Berwick*, as aforesaid, and all and every their clerks, agents, secondaries, substitutes, and other inferior ministers whatsoever (such military officers who are or shall be in muster by the muster-master general of his Majesty's army, or in pay in his Majesty's army or navy, in respect of such offices only, excepted) shall, towards raising the said respective sums before in this act charged upon the respective counties, cities, boroughs, towns, and other places of *England, Wales, and Berwick*, as aforesaid, yield and pay unto his Majesty the sum of four shillings for every twenty shillings, which he, she, or they do receive in one year, by virtue of any salaries, gratuities, bounty-money, rewards, fees, profits, perquisites, or advantages whatsoever, to him, her, or them accruing, for or by reason or occasion of such their several offices or employments, without any allowance, deduction, or abatement whatsoever; and that all and every person and persons, guilds, fraternities, bodies politick and corporate, having an annuity, pension, stipend, or other yearly payment, either out of the receipt of his Majesty's exchequer in *England*, or out of any branch of his Majesty's revenue in *England, Wales, or Berwick*, or payable, or secured to be paid, by any person or persons whatsoever, in *England, Wales, or Berwick* (not being or issuing out of any lands, tenements, or hereditaments, or charged upon the same, touching which other directions are given by this act; and not being annuities or yearly payments, which, by any act or acts of parliament

liament made, or to be made, are or shall be especially exempted from the payment of taxes or aids) shall, towards raising the said respective sums before by this act charged upon the respective counties, cities, boroughs, towns, and other places of *England, Wales, or Berwick*, as aforesaid, yield and pay unto his Majesty the sum of four shillings for every twenty shillings by the year, for every such annuity, pension, stipend, or yearly payment respectively, and after that rate for one whole year: the said several rates and sums of money hereby granted, to be assessed, imposed, levied, and collected, in such manner as herein after is mentioned.

IV. *And to the end the full and entire sum by this act charged upon the several counties, cities, boroughs, towns, and places respectively, of England, Wales, and Berwick, as aforesaid, may be fully and completely raised and paid to his Majesty's use; be it further enacted by the authority aforesaid, That all and every manors, messuages, lands, and tenements; and also all quarries, mines of coal, tin, and lead, copper, mundick, iron, and other mines; iron-mills, furnaces, and other iron-works; salt-springs, and salt-works; all allom-mines and works; all parks, chaces, warrens, woods, underwoods, coppices; and all fishing, tithes, tolls, annuities, and all other yearly profits; and all hereditaments, of what nature or kind soever they be, situate, lying, and being, happening or arising, within the several and respective counties, cities, boroughs, towns, or places aforesaid respectively, or within any parts of the same, as well within ancient demesne, and other liberties and privileged places, as without, within that part of Great Britain called England, Wales, or Berwick, as aforesaid; and all and every person and persons, bodies politick and corporate, guilds, mysteries, fraternities, and brotherhoods, whether corporate or not corporate, having or holding any such manors, messuages, lands, tenements, or hereditaments, or other the premises, in respect thereof, shall be charged with as much equality and indifference as is possible, by a pound-rate, for or towards the said several and respective sums by this act set or imposed, or intended to be set and imposed, for and upon all and every such counties, cities, boroughs, towns, or other places hereby charged therewith as aforesaid, so that by the said rates so to be taxed or assessed, for or upon the said ready money, debts, goods, wares, merchandizes, chattels, or personal estates, and for and upon the said offices and employments of profit, and for and upon the pensions, annuities, stipends, or yearly payments aforesaid, and for and upon the said manors, messuages, lands, tenements, and hereditaments, and other the premises, according to the purport and true meaning of this present act, the full and entire sums hereby appointed to be raised in *England, Wales, and Berwick* as aforesaid, shall be completely and effectually taxed, assessed, levied, and collected, and shall be paid into the receipt of his Majesty's exchequer, by four quarterly payments; the first payment thereof to be made on or before the*

Lands, tenements, mines, &c.

to be charged with equality and indifference, &c.

twenty fourth day of June, which shall be in the year of our Lord one thousand seven hundred and sixty one.

Lands, &c.
subject to
rent-charges,
annuities, &c.

V. And whereas many of the manors, messuages, lands, tenements, tithes, hereditaments, and premises, in England, Wales, and Berwick upon Tweed, intended by this act to be charged with the pound-rate as aforesaid, stand incumbered with, or are subject or liable to, the payment of several rent-charges or annuities, or other annual payments issuing out of the same, or to the payment of divers fee-farm rents, rent-service, or other rents thereupon reserved or charged, by reason whereof the true owners and proprietors of such manors, messuages, lands, tenements, or hereditaments, do not in truth receive to their own use the true yearly value of the same, for which nevertheless they are by this act chargeable with a certain pound-rate; it is therefore declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the landlords, owners, and proprietors of such manors, messuages, lands, tenements, hereditaments, and premises, in England, Wales, and Berwick upon Tweed, being charged with a pound-rate as aforesaid, to abate and deduct, and to detain and keep in his, her, or their hands, out of every such fee-farm rent, or other annual rent or payment, so much of the said pound-rate, which shall be taxed or assessed upon the said manors, messuages, lands, and premises, as a like rate for every such fee-farm rent, or other annual rent or payment respectively, shall by a just proportion, amount unto, so as such fee-farm rent, or other annual rent or payment respectively, do amount unto twenty shillings *per annum*, or more; and all and every person or persons, who are or shall be any ways intitled to such rents or annual payments, their respective auditors, reeves, receivers, and their deputy or deputies, are hereby required to allow such deductions and payments, according to such rates, upon receipt of the residue of such monies as shall be due and payable to them for such rents or annual payments reserved or charged as aforesaid, without any fee or charge for such allowance.

Commissioners of the land tax for the year 1758, to put this act in execution.

VI. And be it further enacted by the authority aforesaid, That for the better assessing, ordering, levying, and collecting of the several sums of money so as aforesaid limited and appointed to be raised and paid, in the aforesaid part of Great Britain, called England, Wales, and Berwick upon Tweed, and for the more effectual putting of this act in execution in reference to the same, all and every the person and persons who in and by an act of parliament made and passed in the thirty first year of the reign of his late majesty King George the Second, intituled, *An act for appointing commissioners for putting in execution an act of this session of parliament, intituled, An act for granting an aid to his Majesty, by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty eight; and for enforcing the payment of the rates to be assessed upon Somerset House in the Strand; and for rectifying a mistake in the said act; and for allowing further time to the receivers of certain aids for settling insuper for monies in arrear; were named and appointed com-*

commissioners for putting in execution the same act, within the several counties, cities, boroughs, cinque-ports, towns, and places of *England, Wales*, and the town of *Berwick upon Tweed*, duly qualifying themselves according to this act in that behalf, shall be commissioners for putting in execution, and shall put in execution this present act, and the powers therein contained, within and for the same counties, ridings, cities, boroughs, cinque ports, towns, and places respectively.

VII. And be it further enacted and declared, That the several commissioners aforesaid shall meet together at the most usual and common places of meeting within each of the said counties, ridings, cities, boroughs, cinque ports, towns, and places respectively, within *England, Wales*, and *Berwick upon Tweed*, for which they are appointed commissioners as aforesaid, on or before the thirtieth day of *April*, one thousand seven hundred and sixty one, and shall meet afterwards in like manner, as often as it shall be necessary, for putting so much of this act in execution, as is hereby committed to their care and charge; and the said commissioners, or so many of them as shall be present at such general meeting or meetings, or the major part of them, are hereby authorized and required to put so much as aforesaid of this present act in execution, and shall ascertain and set down in writing the several proportions which ought to be charged upon every hundred, lathe, wapentake, rape, ward, or other division respectively, within *England, Wales*, and *Berwick upon Tweed*, for and towards the raising and making up the whole sum before by this act charged upon the whole county, city, or other places for which they are hereby appointed commissioners, by charging in proportion to the sums which were assessed on the same hundreds or divisions respectively, by an act of parliament made and passed in the fourth year of the reign of their late majesties King *William* and Queen *Mary*, of blessed memory, intituled, *An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France*; and shall also, if they see cause, subdivide and distribute themselves, and the other commissioners not then present, into less numbers, so as three or more of the said commissioners may be appointed for the service of each hundred, lathe, wapentake, rape, ward, or other division, as may best conduce to the carrying on his Majesty's services hereby required; nevertheless, not thereby to restrain the said commissioners, or any of them, from acting as commissioners in any other part of the county or place for which they are appointed.

VIII. And, for the more effectual performance thereof; be it enacted and declared, That the commissioners at such general meeting, or the major part of them then present, shall also agree and set down in writing, who, and what number of the said commissioners shall act in each of the said divisions or hundreds, and shall deliver true copies of such writings to the receiver-general, to be appointed by his Majesty, or in pursuance of his directions, to the end there may be no failure in any part

Commissioners to meet on or before the 30th of April, 1761,

as by the act 4 W. & M.

and may subdivide themselves, &c.

A list of the commissioners to act in each division, to be given to the receiver-general.

of the due execution of the service by this act required: and the said commissioners within the several hundreds, lathes, wapentakes, rapes, wards, or other divisions, in *England, Wales, and Berwick upon Tweed*, or any two or more of them, are hereby authorized and required to cause the several proportions charged on the respective hundreds, lathes, wapentakes, rapes, wards, or other divisions, as aforesaid, for or towards the aid hereby granted, to be equally taxed and assessed within every such hundred, lathe, wapentake, rape, ward, or other division, and within every parish and place therein, according to the best of their judgements and discretions; and for that end and purpose to direct their several or joint precept or precepts to such inhabitants, high-constables, petty-constables, bailiffs, and other officers and ministers, and such number of them, as they in their discretions shall think most convenient, to be presentors and assessors, requiring them to appear before the said commissioners, at such place and time, not exceeding eight days after the date of such precept, as they shall appoint; and at such their appearances, the said commissioners, or such of them as shall be then present, shall openly read, or cause to be read unto them, the several rates, duties, and charges in this act mentioned, and openly declare the effect of their charge to them, and how, and in what manner they should and ought to make their said assessments, and how they ought to proceed in the execution of this act, according to the true meaning of the same. And if any such constable, petty-constable, bailiff, officer, or minister, or other inhabitants, to whom any precept shall be directed, shall absent themselves without lawful excuse, to be made out by the oath of two or more credible witnesses (which oaths the said commissioners, or any two or more of them, are hereby empowered to administer) or if any officer or person appearing shall refuse to serve; then every such officer or person so making default, or refusing to serve, shall, for every such default or refusal, forfeit or lose to his Majesty such sum or sums of money, as the said commissioners, or so many of them as shall be present, or the major part of them being present, shall think fit, not exceeding the sum of five pounds, nor less than forty shillings; and at and after such charge given as aforesaid, the said commissioners shall take care that warrants be issued, and directed to two at least of the most able and sufficient inhabitants of each parish, township, or place, within the respective divisions thereby appointed, requiring them to be assessors of all and every the rates and sums of money by this act imposed; and also therein appointing and prefixing a certain day and place for the said assessors to appear before them, and to bring in their assessments in writing; which said assessors are hereby strictly enjoined and required, with all care and diligence, to assess the full sum given them in charge respectively upon all ready money, debts, personal estates, offices, employments, annuities and pensions, chargeable as aforesaid, according to this act, and by an equal pound-rate upon all manors, lands, tenements, rents, hereditaments, and

Commissioners to summon fit persons to be assessors, who are to appear before them in 8 days;

and then to give them a charge.

Persons absentsent, or refusing to serve, forfeit, not exceeding 4l. nor less than 40s.

Assessors to be two at least, and sufficient inhabitants.

Assessments to be brought in at a day and place prefixt. The full sum charged to be assessed.

and other the premises, within the limits, circuits, and bounds of the respective parishes or places, for which they shall be appointed assessors as aforesaid; and shall bring with them at the time and place so as aforesaid prefixed for their appearance, a certificate in writing of the said assessment, and shall then also return the names of two or more able and sufficient persons, living within the limits and bounds of those parishes, townships, constable-wicks, and places, where they shall be chargeable respectively, to the collectors of the monies which shall be assessed as aforesaid, and to be paid to his Majesty by this act; for whose paying in to the receiver-general, or his deputy, in manner herein after-mentioned, such monies as they shall be chargeable withal, the parish or place wherein they are so employed shall be answerable: and if any assessor so appointed, or to be appointed, shall neglect or refuse to serve, or shall make default at the time appointed for his appearance, not having lawful excuse, to be made out by the oaths of two credible witnesses (which oaths the said commissioners, or any two or more of them, have hereby power to administer) or shall not perform his duty; every such assessor shall, for every such neglect, refusal, or default, forfeit and lose to his Majesty such sum as the commissioners, or so many of them as shall be present, or the major part of them, shall think fit, not exceeding the sum of forty pounds, to be levied by distress and sale of the offender's goods and chattels, in like manner as by this act is appointed for levying the several rates and assessments herein mentioned, in case of neglect or refusal of payment, and to be charged upon the respective receivers-general, together with the said rates and assessments. And for completing the whole sum charged to be raised in *England, Wales, and Berwick upon Tweed*, as aforesaid; and to the end the aforesaid sums, charged upon the several and respective counties, ridings, cities, boroughs, towns, and places, for or towards the same, may be duly collected, and true accounts thereof made, the said assessors are hereby required to deliver one copy of their respective assessments fairly written, and subscribed by them, unto the said commissioners, within the time to be prefixed as aforesaid: and the said commissioners, or any three or more of them, are hereby required and ordered to sign and seal two duplicates of the same assessments; and one of them to deliver, or cause to be delivered, to two or more honest and responsible persons to be collectors, which the said commissioners are hereby authorized to nominate and appoint for each parish or place, with warrant to the said collectors to collect the same assessments, payable as aforesaid, so as the said several sums may be paid to the receiver-general at the respective times hereby limited: and the said commissioners are hereby also required, at the same time to give the said collectors notice at what time, or times, place or places, the appeals of any person or persons, who shall think themselves aggrieved by being over-rated by the said assessors, may be heard and determined; which day or days of appeal, so to be appointed by the said commissioners, shall think

A certificate of the assessment to be brought in, with the collectors names.

Assessors, &c. neglecting their duty, to be fined not above 40l.

Assessors to deliver one copy of the assessments to the commissioners.

Duplicates thereof to be signed, &c. and one delivered to the collectors, &c. with warrant for collecting.

Commissioners required to give collectors notice at what time and place the appeal of any person who shall think

himself ag-
grieved, by
being over-
rated, may be
heard and de-
termined.

missioners, shall be at least thirty days from the time of signing, sealing, and delivering the said duplicates to the said collectors; and every such collector is hereby also required, within ten days after the receipt of such duplicates from the said commissioners, to cause publick notice to be given in every parish church, or chapel of ease, belonging to any such parish, within his district or division, immediately after divine service on the Lord's day (if any such divine service shall be performed therein within that time) of the time and place so appointed by the said commissioners for hearing and determining appeals as aforesaid; and shall also cause the like notices to be fixed in writing upon the door of each of the said respective parish churches, or chapels of ease, belonging to any such parishes, on the same day, that all persons who shall think themselves over-rated may know when and where to make their appeal to the said commissioners; and the said collectors are hereby also required, upon the application of any person or persons who shall think himself or themselves over-rated to the said rates and assessments, to permit such person or persons, or their stewards or bailiffs, or other proper representatives, to inspect the duplicates of such rates or assessments upon the division or district of which he is collector, at all seasonable times in the day, without any fee or reward for the same; and every person so intending to appeal to the said commissioners, shall, and is hereby required to give notice thereof in writing to one or more of the assessors of the parish wherein he is rated, of such his intention to appeal, that such assessor or assessors, if they shall think proper, may then and there attend to justify the said assessment; and it is hereby declared, that all appeals once heard and determined by the said commissioners, or any three or more of them, or the major part of them then present, on the day or days by them appointed for hearing appeals as aforesaid, shall be final, without any further appeal upon any pretence whatsoever: and the said commissioners are hereby required to deliver, or cause to be delivered a schedule or duplicate in parchment, under their hands and seals, fairly written, containing the whole sum assessed upon each parish or place, and also the christian names and surnames of the respective assessors and collectors, unto the receiver-general of each county, riding, city, borough, town, and place respectively, in *England, Wales, and Berwick upon Tweed*, or his deputy; and shall transmit, or cause to be transmitted, a like schedule or duplicate into the King's remembrancer's office of the exchequer; and this the said commissioners shall cause to be done upon or before the eighth day of *August*, one thousand seven hundred and sixty one, or within twenty days after (all appeals to them being first determined) for which duplicates the remembrancer, or his deputy, shall give to the person who brings the same, a receipt in writing, *gratis*, under the penalty of ten pounds, to be recovered to the King's use, as other penalties are by this act recoverable.

A duplicate in parchment to be delivered, together with the names of the assessors and collectors, to the receiver-general,

and one to the remembrancer's office, by 8 Aug. 1761, or 20 days after (all appeals first determined)

Remembrancer to give receipts gratis, on penalty of 10l

IX. And be it further enacted by the authority aforesaid, That the persons so appointed to be collectors as aforesaid, in *England, Wales, and Berwick upon Tweed*, shall levy and collect all and every the rates and taxes, so assessed and charged, according to the intent and direction of this act; which said collectors are hereby required to demand all and every the sum and sums of money, which shall be so taxed and assessed, of the parties themselves, as the same shall become due, if they can be found, or else at the place of their last abode, or upon the premises charged with the assessment: and the said several collectors shall collect and levy the said monies so charged for his Majesty's use, and are hereby required and enjoined to pay unto the receivers-general, or their deputies, all and every the said rates and assessments by them respectively collected and received, at such time or times, place or places, as the said commissioners, or any two or more of them, shall appoint, so as the whole sums due for each quarterly payment shall be paid or answered by the said collectors to the receivers-general, or their deputies respectively, upon the days, and at the times, by this act appointed for payment thereof.

The rates to be levied on the parties, or premises,

and to be paid to the receivers general, &c.

X. And be it further enacted and declared by the authority aforesaid, That the money received by the said collectors within their respective divisions or hundreds, as aforesaid, shall, from time to time, be duly paid to the receiver-general, or his deputy or deputies, to be appointed under his hand and seal, whereof notice under the hand and seal of the respective receivers-general shall be given to the commissioners, or any two or more of them, within the respective divisions or hundreds, as aforesaid, within ten days after the next general meeting, and so, from time to time, within ten days after every death or removal of any deputy, if any such should happen; and the receipt of such receiver-general, his deputy or deputies, or any of them (which receipt or acquittance shall be given *gratis* to the collectors for all money by them paid) shall be a sufficient discharge to every such collector; and the particular collectors aforesaid are hereby required to pay in all and every the sums so received by them, to the said receivers-general, or their deputy or deputies; for the payment whereof the said collectors shall not be obliged to travel above ten miles from the place or places of their inhabitations.

The money collected to be paid to the receiver-general, or deputies; and they to give commissioners notice.

Collectors not obliged to travel above 10 miles.

XI. And be it further enacted by the authority aforesaid, That if any receiver-general of any such county or place shall die, or be removed, or if any such receiver-general for the last aid shall not be appointed for the present, notice thereof shall be given by the commissioners for the affairs of taxes, to two or more commissioners acting for each division in such county or place before the time appointed by this act for the first quarterly payment of the aid hereby granted, and so, from time to time, upon the death or removal of any such receiver-general; any thing herein contained to the contrary thereof notwithstanding.

Removal or death of receiver general to be notify'd to the commissioners.

XII. And be it further enacted, That the sum of four hundred and eighty five *l. 4 s.*

for the first quarterly payment, to be paid to the receivers by 24 June, 1761.

The second payment by 29 Sept. 1761.

The third payment by 25 Dec. 1761.

The last payment by 25 March, 1762.

dred ninety seven thousand four hundred seventy five pounds, four shillings, and eight pence farthing, for the first quarterly payment of the said assessments for *England, Wales, and Berwick upon Tweed*, shall be levied, collected, and paid unto the receiver-general of the said several counties, cities, and other places, who shall be appointed as aforesaid, on or before the twenty fourth day of *June*, one thousand seven hundred and sixty one; and the sum of four hundred ninety seven thousand four hundred seventy five pounds, four shillings, and eight pence farthing, for the second payment of the said quarterly payments, on or before the twenty ninth day of *September*, one thousand seven hundred and sixty one; and the sum of four hundred ninety seven thousand four hundred seventy five pounds, four shillings, and eight pence farthing, for the third of the said quarterly payments, on or before the twenty fifth day of *December*, one thousand seven hundred and sixty one; and the sum of four hundred ninety seven thousand four hundred seventy five pounds, four shillings, and eight pence farthing, for the last of the said quarterly payments, on or before the twenty fifth day of *March*, one thousand seven hundred and sixty two, in full of the said sum of one million nine hundred eighty nine thousand nine hundred pounds, eighteen shillings, and nine pence.

Receiver-general within a month after receiving the full sum charged, to give the commissioners a receipt:

which shall be a full discharge for payment. Receivers general within 20 days to pay the monies into the exchequer. Receiver-general allowed 2d. in the pound.

Collectors to have 3d. in the pound.

XIII. And be it further enacted by the authority aforesaid, That every receiver-general in *England, Wales, and Berwick upon Tweed*, from time to time, within the space of one month next after he shall have received the full sum that shall be charged on any hundred or division, for such particular payment that is to be made to such receiver-general by virtue of this act, shall give to such commissioners as shall act in such division or hundred, a receipt under his hand and seal, acknowledging the receipt of the full sum charged upon such hundred or division for such particular payments; which receipt shall be a full discharge to each hundred or division for such particular payment, against his Majesty, his heirs, and successors; which said receivers-general are hereby required forthwith, or at farthest within twenty days after the receipt of any money of the taxes or duties by this act granted, to transmit, or cause to be paid, the money by them received, into the receipt of his Majesty's exchequer; and the lords commissioners of his Majesty's treasury, or the lord high treasurer for the time being, are hereby authorized to allow to the said receiver-general of each county, riding, city, and town respectively, in *England, Wales, and Berwick upon Tweed*, a salary for his pains, not exceeding two pence in the pound, for so much as he shall pay into the exchequer, upon the clearing of his accounts.

XIV. And be it further enacted and declared by the authority aforesaid, That the collectors of the aforesaid rates and assessments in *England, Wales, and Berwick upon Tweed*, hereby granted, for gathering the particular sums charged upon the parish or place for which they shall be appointed collectors by virtue

tue of this act, and for giving receipts to the person or persons of whom they receive the same, shall, upon collection of the whole sum appointed to be collected by them, and payment thereof is hereby before appointed, have and receive for their pains in collecting and paying the money, three pence in the pound, which the said collectors are empowered to detain out of the last payment of the monies of their several and respective quarterly payments; and the said receiver-general, upon the receipt of the whole assessments of the county, riding, city, or town, for which he is appointed receiver-general (in case he shall have received the several duplicates of each parish and place therein, and that duplicates shall be returned to the office of his Majesty's remembrancer of the exchequer, as aforesaid, and not otherwise) shall allow and pay according to such warrant as shall be given in that behalf, by the said commissioners, or any two or more of them, three halfpence in the pound, and no more, for the commissioners clerks, for their pains in fair writing the assessments, duplicates, and copies, herein before directed, and all warrants, orders, and instructions relating thereunto.

Commissioners clerks to have three halfpence in the pound.

XV. And be it further enacted and declared, That if any person shall refuse or neglect to pay any sum or sums of money, whereat he or she shall be rated or assessed in *England, Wales, or Berwick upon Tweed*, by this act, upon demand, by the said collector or collectors of that place, according to the precepts or estreats to him or them delivered by the said commissioners, that then, and in all and every such case and cases, it shall and may be lawful to and for the said collectors, or any of them, and they are hereby authorized and required to levy the sum assessed by distress and sale of the goods and chattels of such person so neglecting or refusing to pay, or distrain upon the messuages, lands, tenements, and premises, so charged with any such sum or sums of money; and the goods and chattels then and there found, and the distress so taken, to keep by the space of four days, at the costs and charges of the owners; and if the said owners do not pay the sum or sums of money so rated or assessed within the said space of four days, then the said distress to be appraised by two or more of the inhabitants where the same shall be taken, or other sufficient persons, and to be sold by the said collectors for payment of the said money; and the overplus coming by such sale (if any be) over and above the tax and charge of taking and keeping the said distress, to be immediately returned to the owners thereof; and moreover, that it shall be lawful to break open in the day-time any house, and, upon warrant under the hands and seals of any two or more of the said commissioners, any chest, trunk, box, or other thing, where any such goods are, calling to their assistance the constables, tythingmen, or headboroughs, within the counties, ridings, cities, towns, or places, where any refusal or neglect shall be made; which said officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their perils;

Collectors may levy by distress in case of refusal of payment.

Distress to be kept four days at the owner's charge; then appraised and sold, and overplus returned, &c.

Commissioners to determine differences about distrests.

For want of distrests, offender may be committed, (except a peer or peers of Great Britain)

Tenants to pay the tax,

and deduct so much out of the rents.

Tenants discharged for what they so pay.

Commissioners to settle differences between landlord and tenant.

Commissioners to cause all deficiencies to be reassessed, and made good.

and if any question or difference shall happen upon taking such distrests, the same shall be determined and ended by the said commissioners, or any two or more of them; and if any person or persons assessed by this act in *England, Wales, or Berwick upon Tweed*, as aforesaid, shall neglect or refuse to pay his, her, or their assessment by the space of ten days after demand, as aforesaid, or convey any of his, her, or their goods, or other personal estate, whereby the sums of money so assessed cannot be levied according to this act; in every such case, any two or more of the commissioners aforesaid, for any city, county, or place, are hereby authorized, by warrant under their hands and seals, to commit such person or persons (except a peer or peers of *Great Britain*) to the common gaol, there to remain without bail or mainprize, until payment be made of the money assessed, and the charges for bringing in the same be paid, and no longer: and the several and respective tenant and tenants of all houses, lands, tenements, and hereditaments, in *England, Wales, or Berwick upon Tweed*, which shall be rated by virtue of this act, are hereby required and authorized to pay such sum or sums of money, as shall be rated upon such houses, lands, tenements, or hereditaments, and to deduct out of the rent so much of the said rate, as, in respect of the said rents of any such houses, lands, tenements, and hereditaments, the landlord should and ought to pay and bear: and the said landlords, both mediate and immediate, according to their respective interests, are hereby required to allow such deductions and payments, upon receipt of the residue of the rents.

XVI. And be it enacted and declared, That every tenant, paying the said assessment or assessments last mentioned, shall be acquitted and discharged of so much money as the said assessment or assessments shall amount unto, as if the same had actually been paid unto such person or persons, to whom his rent shall have been due and payable: and if any difference shall arise between landlord and tenant, or any other, concerning the said rates in *England, Wales, or Berwick upon Tweed*, the said several commissioners, or any two or more of them, in their several divisions, shall have, and they have hereby power to settle the same, as they shall think fit; and in case the proportions set by this or any former act upon all and every the respective counties, ridings, cities, towns, and places in *England, Wales, and Berwick upon Tweed*, shall not be fully assessed, levied, and paid, according to the true meaning thereof; or if any of the said assessments shall be rated or imposed upon any person not being of ability to pay the same, or upon any empty or void house or land, where the same cannot be collected, or levied, or that through any wilfulness, neglect, mistake, or accident, the said assessment charged on each county, riding, city, town, or place, as aforesaid, by virtue of this or any former act, happens not to be paid to the receiver general, his deputy or deputies, as in this or any former act is directed; that then, and in all and every such case and cases, the several and respective commissioners, assessors,

assessors, and collectors aforesaid, and every of them respectively, are hereby authorized and required to assess and re-assess, or cause to be assessed or re-assessed, levied, and paid, all and every such sum and sums of money, upon the respective divisions or hundreds wherein such deficiency shall happen, or parishes therein, as to the said commissioners, or such number of them, as by this act are authorized to cause the said first assessment hereby required to be made, shall seem most agreeable to equity and justice; the said new assessment to be made, collected, and paid, in such manner, and by such means, as in this act for other assessments is declared and directed.

XVII. And be it further enacted and declared by the authority aforesaid, That if any assessor or collector, or other person or persons, shall wilfully neglect or refuse to perform his or their duty in the due and speedy execution of this present act, or shall be guilty of any fraud or abuse in executing the same, the said respective commissioners, or any three or more of them, have hereby power to impose on such person or persons, so neglecting or refusing his or their duties, or being guilty of such fraud or abuse, such fine or fines, as by them shall be thought fit, so the same exceed not the sum of forty pounds; which said fines shall not be taken off or discharged, but by the consent of the majority of the commissioners who imposed the same, but shall be levied by warrant under the hands and seals of the said commissioners, or any two or more of them, by distress and sale of the goods and chattels of the offenders, and in default of goods and chattels (the offender not being a peer or peers, as aforesaid) to be committed by warrant under the hands and seals of the said commissioners, or any two or more of them, to prison, there to remain till payment of the said fine; and all fines to be imposed by virtue of this act, in *England, Wales, and Berwick upon Tweed*, shall be paid to the receivers-general, and by them into the receipt of his Majesty's exchequer; and shall be inserted in the duplicates in parchment fairly written, to be transmitted to the office of the King's remembrancer as aforesaid, that the same may be thereby known, and charged in account.

Assessor refusing to serve, to forfeit, not exceeding 40l.

Fine not to be discharged but by commissioners who imposed it; and levied by distress or imprisonment, and paid into the exchequer,

and inserted in the duplicates.

XVIII. And be it further enacted and declared, That if any collector or collectors, that shall be, by virtue of this act, appointed for the receipt of any sum or sums of money thereby to be assessed in *England, Wales, or Berwick upon Tweed*, shall refuse or neglect to pay any sum or sums of money, which shall be by him or them received, as aforesaid, and to pay the same as in this act is directed, or shall detain in his or their hands any money received by him or them, or any of them, and not pay the same, as by this act is directed; the said commissioners of each county, city, riding, or town respectively, or any two or more of them, in their respective divisions, are hereby authorized and empowered to imprison the person, and seize and secure the estate, as well freehold as copyhold, and all other estate, both real and personal, of such collector, to him belonging, or which shall descend or come into the hands or possession of his heirs,

Collectors detaining the money, to be imprisoned, their estates seized and sold, &c.

heirs, executors, or administrators, wheresoever the same can be discovered or found; and the said commissioners, who shall so seize or secure the estate of any collector or collectors, shall be and are hereby impowered to appoint a time ~~for a general~~ meeting of the said commissioners for such county, riding, city, town, or place, and there to cause publick notice to be given of the place where such meeting shall be appointed, six days at least before such general meeting; and the commissioners present at such general meeting, or the major part of them, in case the monies detained by any such collector or collectors be not paid and satisfied as it ought to be, according to the directions of this act, shall be, and are hereby impowered and required to sell and dispose of all such estates, which shall be, for the cause aforesaid, seized and secured, or any part of them, to satisfy and pay into the hands of the receiver-general, or his deputy, for such county, riding, or place, the sum which shall be detained in the hands of such collector or collectors, their heirs, executors, or administrators respectively.

Commissioners to examine whether the sums assessed be duly collected, &c.

XIX. And it is hereby further enacted and declared, That at the expiration of the respective times in this act prescribed for the full payment of the said quarterly assessments in *England, Wales, and Berwick upon Tweed*, the several and respective commissioners, or any two or more of them, within their division or hundred, shall, and are hereby required to call before them the collectors within each respective division or hundred, parish or place, and to examine and assure themselves, of the full and whole payment of the particular sum and sums of money charged upon the same division or hundred, and every parish and place therein, and of the due return of the same into the hands of the respective receivers-general, their deputy or deputies, of the said counties, ridings, cities, towns, and places respectively, and by such receivers-general into the receipt of his Majesty's exchequer; to the end there may be no failure in the payment of any part of the assessment, by virtue of this act to be assessed and paid, nor any arrears remaining chargeable upon any of the said counties, ridings, cities, towns, and places respectively; and in case of any failure in the premisses, the said commissioners, or any two or more of them, are hereby authorized and required to cause the same to be forthwith levied and paid, according to the true intent and meaning of this act.

In case of controversies in assessing commissioners, the commissioners concerned to withdraw.

XX. And it is hereby enacted and declared, That in case any controversy shall arise concerning the said assessments, or the dividing, apportioning, or payment thereof, which concerns any of the commissioners before by this act appointed, the commissioners so concerned in the said controversy, in their own right, or in the right of any other person for whom they shall act as steward, agent, attorney, or solicitor, shall have no voice, but shall withdraw at the time of the debate of such controversy, until it be determined by the rest of the commissioners; and in default thereof the commissioners then present shall have power, and are hereby required to impose such fine or fines, as to them shall

shall be thought fit, upon such commissioner so refusing to withdraw, not exceeding twenty pounds, and to cause the same to be levied and paid, as other fines to be imposed by virtue of this act are to be levied and paid; and all questions and differences which shall arise touching any of the said rates, duties, or assessments, in *England, Wales, and Berwick upon Tweed*, or the collecting thereof, shall be heard and finally determined by the said commissioners, in such manner as by this act is directed, upon complaint thereof made to them by any person or persons thereby grieved, without further trouble, or suit in law, in his Majesty's court of *King's Bench*, or any other court whatsoever.

In default to be fined, not above 20l.

XXI. And be it further enacted and declared, That no privileged place or person, body politick or corporate, within the counties, ridings, cities, and towns aforesaid, in *England, Wales, and Berwick upon Tweed*, shall be exempted from the said assessment, and taxes; but that they, and every of them, and also all fee-farm rents, and all other rents, payments, sum and sums of money, and annuities, issuing out of, or payable for any lands, shall be liable towards the payment of every sum by this act to be taxed and levied; and all such tenants are hereby directed and authorized to pay them proportionably, according to the rates and assessments by this act directed and appointed; and all such tenants shall be hereby saved and kept harmless, by the authority of this act, from any further payment of any such proportion of such rent, rents, sums of money, or annuities, to any person or persons to whom any such rent, rents, sums of money, or annuities as aforesaid, should or ought to be paid, to all intents and purposes whatsoever, as fully and amply as if they had paid the same to any person or persons, to whom the same is or are reserved, or become due.

No privileged place or person exempt from this tax.

Fee farm rents, &c. to be taxed.

Tenants to pay the rates.

XXII. Provided, That nothing in this act contained shall extend to charge any college or hall in either of the two universities of *Oxford and Cambridge*, or the colleges of *Windſor, Eaton, Winton, or Westminster*, or the corporation of the governors of the charity for the relief of the poor widows and children of clergymen, or the college of *Bromley*, or any hospital in *England, Wales, or Berwick upon Tweed*, for or in respect of the sites of the said colleges, halls, or hospitals, or any of the buildings within the walls or limits of the said colleges, halls, or hospitals; or any master, fellow, or scholar or exhibitioner of any such college or hall, or any reader, officer, or master of the said universities, colleges, or halls, or any masters or ushers of any schools in *England, Wales, or Berwick upon Tweed*, for or in respect of any stipend, wages, rents, profits, or exhibitions whatsoever, arising or growing due to them, in respect of the said several places or employments in the said universities, colleges, or schools; or to charge any of the houses or lands, which on or before the five and twentieth day of *March*, one thousand six hundred and ninety three, did belong to the sites of any college or hall in *England, Wales, or Berwick upon Tweed*, or to *Christ's Hospital, Saint Bartholomew, Bridewell, Saint Thomas, and Bethlehem* 1693, did be-

Colleges, &c. in the universities, &c. not chargeable:

Nor the houses or lands which before the twenty-fifth of March, 1693, did be-

Long to Christ's lehem Hospitals, in the city of London, and borough of South-Hospital, &c. *wark, or any of them; or to the said corporation of the governors of the charity for the relief of the poor widows, and children of clergymen, or the college of Bromley; or that extend to charge any other hospitals or alms-houses in England, Wales, or Berwick upon Tweed, for or in respect only of any rents or revenues, which on or before the said five and twentieth day of March, one thousand six hundred and ninety three, were payable to the said hospitals or alms-houses, being to be received and disbursed for the immediate use and relief of the poor of the said hospitals and alms-houses only.*

No tenants of hospitals, &c. to claim any exemption.

XXIII. Provided, That no tenants, that hold and enjoy any lands or houses by lease or other grant from the said corporation, or any of the said hospitals or alms-houses, do claim or enjoy any freedom, exemption, or advantage by this act; but that all the houses and lands, which they so hold, shall be rated and assessed for so much as they are yearly worth, over and above the rents reserved and payable to the said corporation, or to the said hospitals or alms-houses, to be received and disbursed for the immediate support and relief of the poor of the said hospitals and alms-houses.

Such tenants not discharged, who by leases are obliged to pay taxes.

XXIV. Provided always, That nothing in this act contained shall be construed or taken to discharge any tenant of any the houses or lands belonging to the said colleges, halls, or hospitals, alms-houses, or schools, or any of them, who by their leases, or other contracts, are and do stand obliged to pay and discharge all rates, taxes, and impositions whatsoever; but that they, and every of them, shall be rated, and pay all such rates, taxes, and impositions, any thing in this act contained to the contrary notwithstanding.

Commissioners to determine how far lands, &c. belonging to hospitals, &c. not exempted by name, ought to be charged.

XXV. *And in case any question hath been, or shall be made, how far any lands or tenements belonging to any hospital or alms-house in England, Wales, or Berwick upon Tweed, not exempted by name out of this act, ought to be assessed and charged to the land tax; be it enacted and declared, That the same shall be determined by the said commissioners, or any three or more of them, or the major part of them then present, upon appeal before them at the day or days by them appointed for the hearing and determining of appeals; whose determination in such case shall be final.*

All hospitals, lands, &c. assessed by 4 W. & M. liable to this aid, and no other.

XXVI. Provided always, and it is hereby enacted, That all such lands, revenues, or rents, belonging to any hospital or alms-house, or settled to any charitable or pious use, as were assessed in the fourth year of the reign of their late majesties King William and Queen Mary, shall be, and are hereby adjudged to be liable to be charged towards the payment of this present aid; and that no other lands, tenements, or hereditaments, revenues, or rents whatsoever, then belonging to any hospital or alms-house, or settled to any charitable or pious uses, as aforesaid, shall be charged, taxed, or assessed by virtue of this present act, towards the said sum to be raised in *England, Wales, and Berwick upon*

upon *Tweed*, as aforesaid; any thing herein contained to the contrary notwithstanding.

XXVII. And it is hereby further enacted, That all and every auditors, reeves, receivers, and their deputies, who audit or receive any fee-farm rents, or other chief rents (arising in *England, Wales, or Berwick upon Tweed*) due to his Majesty, or to any person or persons claiming by any grant or purchase from or under the crown, shall allow four shillings for every pound of the said rents, and a proportional rate for any greater sum than ten shillings, to the party or parties paying the same, without any fee for such allowance, upon the penalty of twenty pounds to the party grieved, to be recovered by action of debt, or upon the case, together with full costs of suit; any thing in this act contained to the contrary thereof in any wise notwithstanding. And if any such auditor of the revenues, or any of them, belonging to his Majesty, or any deputy, or any other person acting for or on the behalf of any such auditor shall, in the account of any reeve, receiver, or otherwise, set *in super* any tenant or other person, or make any such tenant or other person, or his or their estate, liable to any distress, forfeiture, or vexation whatsoever, for any sum or sums of money, which, by the true intent and meaning of this act, ought to be allowed after the rate of four shillings in the pound, or shall refuse, neglect, or delay to allow, and finally discharge the same in the proper accounts wherein the same ought to be allowed and discharged; that then, and for every or any such offence, every such auditor, or deputy, or person acting for such auditor, shall forfeit the sum of one hundred pounds to the party grieved, to be recovered as aforesaid, and shall be incapable to enjoy his office or place, or any office or place of trust under his Majesty.

Receivers of fee farm rents, &c. to allow 4s. per pound to the parties, without fee, on penalty of 20l.

Auditors, &c. setting tenants *in super* for what ought to be allowed, or refusing allowance,

to forfeit 100l.

XXVIII. And be it further enacted and declared by the authority aforesaid, That the fee-farm rents, for which a deduction or allowance, after the rate of four shillings in the pound, is intended to be made by this present act, are such fee-farm rents only, as are answerable to his Majesty, or have been purchased from the crown by virtue of two acts of parliament made in the two and twentieth and three and twentieth years of the reign of the late King *Charles* the Second, for and concerning the sale of fee-farms rents, or one of them, and which were not, on or before the five and twentieth day of *March*, one thousand six hundred and ninetythree, payable to any college, hospital, reader in either university, or any other person or persons before exempted by this act; provided such deduction or allowance do not exceed the sum assessed by virtue of this act, upon the whole estate or estates, out of which such purchased fee-farm rent or rents doth or do issue; and the owners and receivers of such fee-farm rents shall and are hereby required, on payment of such rents, to allow four shillings for every twenty shillings of the said rents, and so in proportion for any sum not less than ten shillings, to the party or parties paying the same; any thing in this act contained to the contrary notwithstanding.

Such fee-farm rents only to have an allowance of 4s. per pound, as are answerable to the crown, or were purchased according to 22 & 23 Car. 2.

The owners to allow the same to the party paying.

Lifts of pensions, &c. to be delivered gratis to the assessors.

Taxes on pensions, &c. not paid, to be stopt in the exchequer.

A true account to be kept of the money stopt.

Persons to be taxed in the parish where they dwell.

No provision to lessen the full sum by this act to be levied.

Contracts between land-lord and tenant, touching taxes not to be avoided.

XXIX. And be it enacted, That the officers in the receipt of his Majesty's exchequer, and in other the publick offices, upon request to them made by the respective assessors, shall deliver gratis true lifts or accounts of all pensions, annuities, stipends, or other annual payments, and of all fees, salaries, and other allowances, payable at the said receipt, or in the said publick offices, to any commissioner or commissioners, officer or officers, for the execution of this act, for the better guidance of the said assessors in the charging of the same. And that in all cases where any pensions, annuities, stipends, or other yearly payments, or the fees, salaries, wages, or other allowances or profits charged by this act, shall be payable at the receipt of the exchequer, or by the cofferer of his Majesty's household, or out of any other publick office, or by any of his Majesty's receivers or paymasters in *England, Wales, or Berwick upon Tweed*, the tax or payment, which in pursuance of this act shall be charged for or in respect of such annuities, pensions, stipends, fees, salaries, wages, allowances, or profits, shall and may (in case of non-payment thereof) be detained and stopt out of the same, or out of any money which shall be paid upon such pensions, annuities, stipends, fees, salaries, wages, allowances, or profits, or for arrears thereof, and be applied to the satisfaction of the rates and duties not otherwise paid as aforesaid; and the proper officers in the said exchequer, and other the publick offices aforesaid, shall keep true accounts of all monies stopt, and (upon request) shall give copies of such accounts to the proper collectors of such monies, for the respective parishes or places where the said monies are assessed by this act.

XXX. Provided, That where any person inhabiting within the city of *London*, or any other city or town corporate of *England, Wales, or Berwick upon Tweed*, hath his dwelling-house in one of the parishes or wards therein, and hath any goods, wares, or merchandizes, in any one or more of the other parishes or wards within the same, that then such person shall be taxed, charged, and assessed for such his goods and merchandizes, in the parish or ward where he dwelleth, and not elsewhere, within the said city or town corporate.

XXXI. Provided nevertheless, That no clause or proviso in this act shall extend to the lessening or abatement of the full sum appointed by this act to be taxed, collected, levied, and paid, but that the same be fully assessed, levied, collected, and paid, in the several and respective counties, cities, and towns aforesaid, in *England, Wales, and Berwick upon Tweed*, in such manner and form, and to such uses, as herein is before mentioned and declared.

XXXII. Provided, That nothing in this act contained shall be construed to alter, change, or determine, or make void any contracts, covenants, or agreements whatsoever between land-lord and tenant, or any other persons, touching the payment of taxes, and assessments, in *England, Wales, and Berwick upon Tweed*; any thing herein contained to the contrary notwithstanding.

XXXIII. And

XXXIII. Provided always, and be it further enacted and declared by the authority aforesaid, That for the avoiding all obstructions and delays in assessing and collecting the sums by this act to be rated and assessed upon any manors, lands, tenements, rents, tithes, or other hereditaments, all places, constablewicks, divisions, and allotments, which have been used to be taxed and assessed, shall pay and be assessed, in such county, hundred, rape, wapentake, constablewick, division, or place of allotment within *England, Wales, and Berwick upon Tweed*, as the same have heretofore been usually assessed in, and not elsewhere.

XXXIV. Provided nevertheless, That the hundred of *West Barnfield*, formerly taxed or assessed in the lathe of *Alesford* in the county of *Kent*, may for the future (if the commissioners think fit) be rated and assessed in the lathe of *Skray* in the county aforesaid; as likewise may the tithing of *Northmore* in the county of *Oxford* be assessed in the hundred of *Bampton* in the said county; and the tithings of *Charlbury, Fallar, and Finstock*, in the hundred of *Chadlington* in the said county; as also the whole town and parish of *Leeds* in the county of *York*, in the hundred of *Skyrack* in the said county; and the parish of *Ombersley* in the county of *Worcester*, in the lower division of *Oswaldslow* hundred in the said county; and the parish of *Aldemaston*, in the eastern division of *Oswaldslow* hundred in the said county; and the parish of *Yardley* in *Bromsgrove* division of *Halsshire* hundred in the said county; and the forest of *Chute* shall be assessed and pay where the same was assessed to the first aid of four shillings in the pound, granted to their late majesties King *William* and Queen *Mary*; and that the parish of *Upton upon Severn*, in the county of *Worcester*, formerly taxed and assessed in the lower division of *Oswaldslow* hundred in the said county, may for the future, if the commissioners think fit, be taxed and assessed in the lower division of *Pershore* hundred in the said county; and also the profits of the navigation of the rivers *Calder* and *Ayre*, in the west riding of the county of *York*, shall be assessed and paid, one moiety thereof at the town of *Wakefield*, and the other moiety at the town of *Leeds*, and not elsewhere.

XXXV. And whereas the palace of *Somerfet House* has been usually rated and assessed within the liberty of the dutchy of *Lancaster*, in the Strand, but the inhabitants and occupiers of apartments and buildings, within and belonging to the said palace, have evaded or refused the payment of the said rates, to the prejudice of the proprietors and owners of lands and buildings within the said liberty; now it is hereby enacted and declared, That all and every the inhabitants and occupiers of apartments and buildings, within and belonging to the said palace, shall be liable to, and charged with, the payment of such rates and assessments as shall be set upon them respectively, in proportion to the rates and assessments that shall be made and assessed upon other the lands and buildings within the said liberty, and that the same powers and remedies shall be made use for the assessing, levying, and collecting such rates and

All places to pay where usually assessed.

West Barnfield to be assessed in the lathe of Skray, com' Kent.

Northmore, com' Oxon. in Bampton. Charlbury, &c. in Chadlington.

Leeds, com' Ebor. in Skyrack.

Ombersley, com' Worcester, in Oswaldslow hundred. Aldemaston, in Oswaldslow hundred.

Parish of Yardley, in Halsshire hundred. Forest of Chute, where the first 4s aid was assessed.

Upton, in Pershore hundred. Calder and Ayre, at Wakefield and Leeds.

Inhabitants of apartments, &c. in Somerfet house, to be assessed in the same proportion with those in Lancaster liberty.

assessments, as are by this act given for the assessing, levying, and collecting the rates and duties thereby directed to be raised.

XXXVI. And be it further enacted by the authority aforesaid, That if any action, plaint, suit, or information, shall be commenced or prosecuted against any person or persons, for what he or they do in pursuance or execution of this act, in *England, Wales, or Berwick upon Tweed*, such person or persons, so sued in any court whatsoever, shall and may plead the general issue, not guilty; and upon issue joined, may give this act, and the special matter, in evidence; and if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer a discontinuance, or if a verdict pass against him, the defendants shall recover treble costs, for which they shall have the like remedy, as in cases where costs by law are given to defendants.

XXXVII. Provided always, and be it enacted, That in case any lands or houses in any parish, place, or constablewick, in *England, Wales, or Berwick upon Tweed*, shall be unoccupied, and no distress can be found on the same, by reason whereof the said parish, place, or constablewick, is forced to pay and make good the tax assessed upon such lands lying unoccupied; that then it shall and may be lawful at any time after, for the collectors, constables, or tythingmen of the said parish, place, or constablewick, for the time being, to enter and distrain upon the lands or houses, when there shall be any distresses thereupon to be found; and the distress and distresses (if not redeemed within four days, by payment of the tax and charge of the distress) to sell, rendering the overplus to the owner or owners of such distress; and the said collector, constable, or tythingman, is hereby enjoined to distribute the money raised by the said distress and sale, proportionably, to the parties who contributed to the tax of the unoccupied lands or houses.

XXXVIII. Provided always, and be it enacted, That where any wood lands in *England, Wales, or Berwick upon Tweed*, shall be assessed, and no distress can be had, that in such case it shall and may be lawful to and for any collector, constable, headborough, or tythingman, by warrant under the hands and seals of two or more of the commissioners of that hundred or division, at seasonable times of the year, to cut and sell to any person or persons so much of the wood growing on the said woods lands so assessed (timber trees excepted) as shall pay the assessment or assessments so behind and unpaid, and the charge incident thereunto; and that it shall and may be lawful for the person or persons, and his or their assigns, to whom such wood shall be sold, to sell, cut down, dispose, and carry away the same to his own use, rendering the overplus (if any be) to the owner; any law to the contrary notwithstanding.

XXXIX. Provided always, and be it further enacted, That where any tax or assessment shall be charged or laid on any tithes, such tolls as are chargeable by this act, profits of markets, fairs, or fisheries, or any other annual profits, in *England*,

General issue.

Treble costs.

Where lands, &c. are unoccupied, and no distress found, collectors may distrain at any time after.

Wood may be cut down, and sold for distresses.

(Timber trees excepted)

Tithes, tolls, &c. not paid within 6 days after demand, &c. may be seized and sold.

land, Wales, or Berwick upon Tweed, not distrainable, in case the same shall not be paid within six days after such assessment so charged or laid, or demanded, that it shall and may be lawful to and for the collector, constable, or other officer thereunto appointed, by warrant under the hands and seals of any two or more of the commissioners authorized by this act, to seize, take, and sell so much of the said tithes, wheresoever they can be found, tolls, or other profits, so charged, as shall be sufficient for the levying the said tax or assessment, and all the charges occasioned by such nonpayment thereof, rendering the overplus, if any be, to the owner.

XL. And, for the better preventing such unjust vexations as might be occasioned by such persons as shall be appointed receivers-general of any of the sums of money granted by this act, to be raised in England, Wales, or Berwick upon Tweed; and to the intent the said receivers-general may return a true account into his Majesty's court of exchequer, of any sum or sums of money as shall be received by them, and every of them, their and every of their deputy or deputies; be it enacted by the authority aforesaid, That if any such receiver-general shall return, or certify into the said court, any sum or sums of money to be in arrear, and unpaid, after the same have been received, either by such receiver-general, or his deputy or deputies, or any of them, or shall cause any person or persons, or places, to be set *insuper*, in the said court, for any sum or sums of money that have been so received, that then every such receiver-general shall be liable to pay to every person or persons that shall be molested, vexed, or damaged, by reason of any such unjust certificate, return, or setting *insuper*, treble the damage that shall be thereby occasioned, to be recovered by action of debt, bill, plaint, or information; in which no essoin, protection, or wager of law, shall be allowed, or any more than one imparlance; and shall also forfeit to his Majesty, his heirs, and successors, double the sum that shall be so unjustly certified, or returned, or caused to be set *insuper*.

Receiver-general returning persons, who have paid the tax, to be in arrear,

forfeits treble damages to the party grieved,

and to his Majesty double the sum so returned.

XLI. And be it further enacted by the authority aforesaid, That the commissioners that shall be within any county, city, or place, within the respective limits of *England, Wales, or Berwick upon Tweed*, or the major part of them, shall tax and assess every assessor within their divisions, for all and singular the matters and things for which by this act he ought to be taxed and assessed; and all sums assessed upon every the said assessors, and the assessments made and set by the assessors aforesaid, shall be written, estreated, levied, and gathered, according to the true intent and meaning of this act.

Commissioners to assess the assessors.

XLII. Provided also, That no person inhabiting in any city, borough, or town corporate, in *England, Wales, or Berwick upon Tweed*, shall be compelled to be an assessor or collector of or for any part of the rates and assessments hereby granted, in any place or places out of the limits of the said city, borough, or town corporate.

None compelled to be assessors out of the limits of the city, &c.

XLIII. Provided always, and be it enacted, That every rate,
Vol. XXIII. L tax,

Assessments on
foreign mini-
sters houses to
be paid by the
landlords.

In places ex-
traparochial
commissioners
to nominate
assessors and
collectors, &c.

No commissi-
oner, &c. lia-
ble to any o-
ther penalties
than such as
are inflicted
by this act.

Commissioners
not to act
without tak-
ing the oaths
by 1 Geo. 1.
&c.

Acting before
oaths taken,
forfeit 200l.

tax, and assessment, which shall be made or imposed by virtue of this act, in respect of any house or tenement which an ambassador, resident, agent, or other publick minister of any foreign prince or state, now doth, or hereafter shall inhabit or occupy, shall be paid by the landlord or owner of the said houses or tenements respectively.

XLIV. And be it further enacted by the authority aforesaid, That in all privileged and other places, being extraparochial, or not within the constablewicks or precincts of the respective assessors, to be appointed by virtue of this act, in *England, Wales, or Berwick upon Tweed* (although in any monthly or other tax they have not been rated heretofore) and in all parishes where two able and sufficient inhabitants cannot be found, the said commissioners, or any two or more of them, shall, and they are hereby required to nominate and appoint two or more fit persons, living in or near the said privileged or other places as aforesaid, to be assessors for the said places, and to make and return the said assessments, in like manner as by this act is appointed in any parish, tything, or place; and also to appoint two or more collectors, who are hereby required to collect and pay the same in manner appointed by this act for the collecting and paying all the aforesaid sums of money chargeable by this act.

XLV. Provided always, and be it further enacted by the authority aforesaid, That no commissioner, assessor, or collector, who shall be employed in the execution of this act, in *England, Wales, or Berwick upon Tweed*, shall be liable, for or by reason of such execution, to any penalty or penalties, other than such as by this act are or may be inflicted for or by reason of such execution.

XLVI. Provided always, and be it enacted, That no person shall be capable, in *England, Wales, or Berwick upon Tweed*, of acting as a commissioner in the execution of this act, or executing any the powers therein contained (unless it be the power hereby given of administering oaths) until such time as he shall have taken the oaths appointed by the act of parliament made in the first year of the reign of his late majesty King George the First (intituled, *An act for the further security of his Maj. sty's person and government, and the succession of the crown in the heirs of the late princess Sophia, being protestants; and for extinguishing the hopes of the pretended prince of Wales, and his open and secret abettors;*) which oaths it shall and may be lawful for any two or more of the commissioners to administer, and they are hereby required to administer the same to any other of the said commissioners.

XLVII. Provided always, and be it enacted, That if any person hereby appointed a commissioner for any county, city, town, or place, in *England, Wales, or Berwick upon Tweed*, shall presume to act as a commissioner in the execution of this act, before he shall have taken the oaths which by this act he is re-
quired

quired to take, and in manner hereby prescribed, he shall forfeit to his Majesty the sum of two hundred pounds.

XLVIII. Provided also, That every person in *England, Wales, or Berwick upon Tweed*, rated or assessed for his office, or employment, shall be rated and pay for his said office or employment, in the county, city, or place, where the same shall be exercised, although the revenue or profits arising by such office or employment are payable elsewhere.

XLIX. Provided always, That the right honourable the master of the rolls, the masters in *chancery*, six clerks, clerks of the petty bag, examiners, registers, clerks of the inrolments, clerks of the affidavit and *subpoena* offices, and all other the officers of the court of *chancery*, that execute their offices within the liberty of the rolls, shall there be assessed for their respective offices, salaries, and other profits, and not elsewhere; and that all annuities, stipends, and pensions, payable to any officers in respect of their offices, shall be taxed and assessed where such officers are rated and assessed for their offices, and not elsewhere; and that all other pensions, stipends, and annuities, in *England, Wales, and Berwick upon Tweed*, not charged upon lands, shall be charged and assessed in the parishes or places where they are payable; and every person who is or shall be rated in *England, Wales, or Berwick upon Tweed*, for or in respect of any personal estate to him or her any ways belonging, shall be rated at such place where he or she shall be resident at the time of the execution of this act; and all persons not being householders, nor having a certain place of residence, shall be taxed at the place where they shall be resident at the time of the execution of this act; and if any person who ought to be taxed in *England, Wales, or Berwick upon Tweed*, by virtue of this act, for or in respect of his personal estate, shall, at the time of his assessment, be out of the realm, such person shall be rated therefore in such county, city, or place, where he was last abiding within this realm.

L. Provided, That where any person shall have any goods, wares, or merchandizes, in any county or counties, other than the county where he shall be resident, or had his last residence, it shall be lawful at any time before the twenty fourth day of *August* one thousand seven hundred and sixty one, to rate and assess such person for such goods, wares, and merchandizes, in any county or counties where the same shall be; and every person who shall be rated and assessed for or in respect of any manors, messuages, lands, or tenements, or other the premises, according to the former clauses of this act, shall be rated and assessed in the places where such manors, messuages, lands, and tenements, and other the premises respectively do lie, and not elsewhere.

LI. Provided always, That if any person or persons, by reason of his, her, or their having several mansion-houses, or places of residence, or otherwise, shall be doubly charged for any personal estate, offices, or otherwise, by occasion of this act; then upon certificate made by any two or more of the commissioners

Officers to pay where employed, &c.

Officers in chancery to be assessed in the rolls liberty.

Annuities, where rated.

Pensions where payable.

Personal estates, where persons resident, &c.

Persons not householders where resident. Absent persons to be rated where they were last resident.

Goods, &c. to be assessed where they shall be.

Persons doubly rated, discharged on certificate.

for the county, riding, city, or place, of his, her, or their last personal residence, under their hands and seals, of the sum or sums charged upon him, her, or them (which certificate the said commissioners are hereby required to give without delay, fee or reward) and upon oath made of such certificate before any justice of the peace of the county or place where the said certificates shall be made (which oath the said justice of the peace is hereby authorized and required to administer) then the person or persons so doubly charged shall, for so much as shall be so certified, be discharged in every other county, city, or place in *England, Wales, or Berwick upon Tweed*.

Not to extend to Scotland, Ireland, Jersey or Guernsey.

Persons avoiding the tax, charged treble.

LII. Provided also, That this act shall not extend to the inhabitants of *Scotland, Ireland, Jersey, or Guernsey*, for assessing any such personal estate, which they, or any to their use, have, within those places, for or towards the said sum hereby charged upon *England, Wales, or Berwick upon Tweed*, as aforesaid; and if any person that ought to be taxed by virtue of this act, in *England, Wales, or Berwick upon Tweed*, for or in respect of his personal estate, shall by changing his place of residence, or by any other fraud or covin, escape from the taxation, and not be taxed, and the same be proved before the commissioners, or any two or more of them, or before one or more justice or justices of the peace of the county where such person dwelleth or resideth, at any time within one year next after such tax made, every person that shall so escape from the taxation and payment, shall be charged (upon proof thereof) at treble the value of so much as he should or ought to have been charged at by this act; the said treble value, upon certificate thereof made into the exchequer by the commissioners, justice or justices (before whom such proof shall be made) to be levied on the goods, lands, and hereditaments of such persons.

Houholders to give an account of their lodgers,

on forfeiture of 5l.

LIII. And, for the better discovery of personal estates intended to be charged by this act, be it further enacted by the authority aforesaid, That every householder in *England, Wales, or Berwick upon Tweed*, shall, upon demand of the assessors of the respective parishes or places, give an account of the names and qualities of such persons as shall sojourn or lodge in their respective houses, under the penalty of forfeiting to his Majesty the sum of five pounds, to be levied and recovered in such manner as any other penalty in this act mentioned shall and may be levied and recovered.

Shares in the New River, &c. to pay 4s. per pound.

Shares in the Fire Offices, and in the Lights, and

LIV. And be it enacted by the authority aforesaid, That all and every person and persons having any share or shares, or interest, in any fresh stream or running water brought to the north parts of *London*, commonly called the *New River*, or in the *Thames* water-works, or in *Mary-bone*, or in *Hampstead* water-works, or in any rents or profits arising thereby; and all and every person or persons having any share or interest in any office or stock for insuring of houses in case of fire, or in any lights, or in the stock or stocks for printing of books in or belonging to the house commonly called *The King's printing house*, shall pay for

for the same the sum of four shillings for every twenty shillings of the full yearly value thereof, towards the said sum hereby charged upon *England, Wales, or Berwick upon Tweed*, and they, and all companies of merchants in *London*, and the bank of *England*, and all salaries and pensions (taxable in *London*) arising and payable at the general post-office and excise-office, charged by this act, shall be assessed by the commissioners nominated and appointed for the said city, or any two or more of them, for their respective shares and interests aforesaid, and the aforesaid joint stock or stocks, and for such salaries and pensions; and the same shall be paid by the governors or the respective treasurers or receivers of the said river waters and water works, and of the said offices and stocks respectively, to such person or persons as the said commissioners, or any two or more of them, shall appoint to collect the same, and be deducted at and out of their next dividend; and every person having any salary in respect of any office or employment exercised in the ward of *London* where the said post office is situated, shall be assessed and pay for the same in the same ward the said rate of four shillings in the pound towards the said sum by this act charged upon *England, Wales, and Berwick upon Tweed*.

the King's
Printing
Houle, to pay
4s per pound.
Merchants,
Bank of Eng-
land, post-
office, &c.

to be paid by
the governors.

LV. Provided always, and it is hereby further enacted by the authority aforesaid, That when and so often as any of the said governors, treasurers, or receivers of the said river waters, water works, offices, or stocks respectively, shall, upon demand to any of them respectively made by the proper collector or collectors, refuse or neglect to pay the respective sum or sums of money whereat all and every the said person and persons having any share or shares, or interest, in any of the said river waters, water works, offices, or stocks respectively, shall be respectively rated and assessed, then, and in all and every such case and cases, it shall and may be lawful to and for the said collector or collectors, or any of them, and he, they, and every of them, is and are hereby authorized and required to levy the sum so assessed, by distress and sale of the goods and chattels jointly belonging to, or held trust for, the persons who shall have such shares or interests in respect whereof such assessment shall be demanded, and refused as aforesaid, rendering the overplus, if any shall be (the charges of such distress and sale being first deducted) to the governor, treasurer, or receiver of the said river waters, water works, offices, or stocks respectively.

Governors,
&c of the
river waters,
and water-
works, refus-
ing to pay,
the collectors
impowered to
levy the sum
by distress and
sale.

LVI. And be it further enacted by the authority aforesaid, That every papist, or reputed papist, in *England, Wales, or Berwick upon Tweed*, being at the age of eighteen years and upwards, who shall not have taken the oaths mentioned and required to be taken by an act made in *England*, in the first year of the reign of King *William* and Queen *Mary*, intituled, *An act for abrogating the oaths of supremacy and allegiance, and appointing other oaths*, shall yield and pay to his Majesty double the sums and rates, which, by force and virtue of any clause in this act before mentioned and contained, he or they should or ought

Papists 18
years of age
not taking the
oaths 1 W. &
M to pay
double;

to pay and be charged with, to be assessed, levied, collected, answered, and paid, in such manner, by such ways and means, and according to such rules and directions, and under such penalties and forfeitures, as are before in this act expressed or appointed, for and concerning the above mentioned rates and sums.

Unless taken
within 10 days
after the com-
missioners first
meeting.

LVII. Provided nevertheless, That if any such papist, or reputed papist, within ten days after the first meeting of the said commissioners, in the respective counties or places where he or she ought to be taxed or assessed, according to the intent of this present act, shall take the said oaths before any two or more of the said commissioners (which oaths the said two or more of the said commissioners are hereby empowered to administer) in that case he or they shall not be liable to be doubly assessed as aforesaid.

Persons 18
years of age
refusing the
oaths, to pay
double.

LVIII. And be it further enacted by the authority aforesaid, That every person, being of the age of eighteen years, and upwards, and being in *England, Wales, or Berwick upon Tweed*, at the time of the execution of this act, who shall not before that time have taken the oaths mentioned and required to be taken by the said last mentioned act, and upon summons by warrant under the hands and seals of any two or more of the said commissioners, shall refuse to take the said oaths at the time appointed in the said warrant, or shall neglect to appear at such time before the said commissioners, in order to take the said oaths (which the said commissioners, or any two or more of them, are hereby empowered and required to administer) shall yield and pay unto his Majesty double the sums and rates, which, by force and virtue of any clause of this act before mentioned and contained, he or she should or ought to pay or be charged with, in manner as is before in this present act appointed, touching papists, or reputed papists.

Commissioners
to summon
suspected per-
sons, &c.

LIX. And be it further enacted, That any two or more of the said commissioners appointed by this act in the respective counties, cities, towns, and other places in *England, Wales, or Berwick upon Tweed*, upon information, or upon any cause of suspicion in that behalf, shall and are hereby required and empowered to cause every such person suspected (or against whom such information shall be given) to be summoned to appear to take the said oaths, as aforesaid.

Quakers to
subscribe the
declaration
1 W. & M.

LX. Provided nevertheless, That whereas certain persons, dissenters from the church of *England*, commonly called *Quakers*, and now known to be such, in *England, Wales, or Berwick upon Tweed*, do scruple the taking of any oaths, it shall be sufficient for any such persons to make and subscribe the like declaration of fidelity to his Majesty, as was contained in an act made in the parliament held in the first year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for exempting their Majesties protestant subjects, dissenters from the church of England, from the penalties of certain laws*: which declaration any two or more of the commissioners appointed for the execu-

ting

ting of this act are hereby required and impowered to administer; and every such person, so doing, shall not be liable to, or charged with, any of the double rates aforesaid.

LXI. And be it further enacted by the authority aforesaid, That in all cases where any assessor or assessors, who by this act are required to make double assessments upon papists, or reputed papists, or other persons, for not taking the oaths aforesaid, shall neglect to do his or their duty therein; the respective commissioners of the county, riding, hundred, division, or place, where such double assessments ought to have been made, or any two or more of them, shall take care, and are hereby authorized and required to cause such papists, or other persons, to be doubly charged, according to the true intent and meaning of this act.

Commissioners to double assess papists, where assessors omit.

LXII. Provided always, and be it enacted, That where the owners of any lands, tenements, and hereditaments, are liable to be doubly charged as papists, or reputed papists, by reason of their not having taken the oaths according to the true intent of this act; in every such case such owners only shall be charged with, and pay the said double rates; and the respective tenants of such lands, tenements, or hereditaments, are hereby discharged of and from the same; any covenant for payment of taxes, or other agreement to the contrary notwithstanding.

Tenants discharged from double rates.

LXIII. Provided always, and be it further enacted by the authority aforesaid, That the prison of the *King's Bench*, prison house, lands, gardens, and common side, and all the rents, offices, profits, and perquisites of the marshal, and all other officers, of the *King's Bench* prison; and also the prison house, lands, and gardens of the prison of the marshal, and of the *marshalsea* prison, and all offices, perquisites, and profits of the *marshalsea* court and prison, lying and being in the parish of *Saint George the Martyr* in the borough of *Southwark*, in the county of *Surry*, and the judges of the said court, and all counsellors and attorneys practising, or having a right to practise in the said *marshalsea* court, and all profits and fees accruing to them, or any of them respectively, shall be charged and assessed to the assessment in the parish of *Saint George* aforesaid, and not elsewhere, at and after the rate of four shillings in the pound; any thing to the contrary in any wise notwithstanding.

King's bench, marshalsea prison, &c. to be assessed in saint George's parish, &c.

LXIV. And be it further enacted by the authority aforesaid, That where any officer or officers belonging to the said prisons, shall neglect or refuse to pay the sum or sums of money, which shall be rated and assessed upon them, or any of them, by virtue of this act, any two or more of the commissioners appointed by this act, for the said county of *Surry*, shall and may certify, by writing, under their hands and seals, such neglect or refusal, and the sum payable by virtue of this act, to the commissioners for executing this act, in the county or place where such officer or officers reside; and any two or more of such commissioners are hereby authorized and required, upon receipt of such certificate, by warrant under their hands and seals, to authorize and

Officers of the marshalsea court refusing to pay, &c.

Collectors by warrant from commissioners may distrain.

impower the respective collectors of the parish or place where such officer or officers reside, to distrain the goods and chattels of such officer or officers; and the distress or distresses so made, to detain and keep for the space of four days; and if such officer or officers do not pay the said sum or sums of money, for which such distress shall be made as aforesaid, within the space of four days, that then the said goods and chattels so distrained as aforesaid, shall and may be appraised and sold by two such honest and sufficient persons, as the said commissioners, who shall sign the said warrant, shall nominate and appoint; and the monies arising thereby shall be paid to the collectors of the said parish of Saint George, for and towards satisfaction of the said sum or sums of money; and the surplus (if any be) shall be returned to the owner of the said goods, after the charge of the said distress and sale shall be deducted: but in case no goods or chattels of any such officer or officers can be found, sufficient to make good the sum or sums of money so assessed, or to be assessed upon him or them as aforesaid, that then it shall and may be lawful for any two or more of the said commissioners, by warrant under their hands and seals to the respective collectors, or such person or persons as they shall think fit, to cause the person or persons of such respective officer or officers of the said prisons, neglecting or refusing to pay as aforesaid, to be apprehended and taken, wherever he or they can or may be found, and to be committed to the common gaol, where he or they shall happen to be taken, there to remain without bail or mainprize, until payment shall be made as aforesaid of the sum or sums of money so charged or assessed upon them as aforesaid, with the charges of such prosecution as aforesaid, to be allowed by the said commissioners, or any two or more of them; any thing in this act contained to the contrary thereof in anywise notwithstanding.

If no goods sufficient, officer to be imprisoned.

Fleet prison to be assessed in St. Bride's.

LXV. Provided also, That the prison of the *Fleet*, prison-house, lands, gardens, and the common side, and all the rents, profits, and perquisites of the office of warden of the *Fleet*, lying and being in the parish of Saint *Bridget*, alias *Bride's London*, shall be charged and assessed to the assessment in the said parish of Saint *Bridget*, alias *Bride's London*, and not elsewhere; any thing in this act contained to the contrary thereof in anywise notwithstanding.

Officers at Stoke Damrel, near Plymouth, to be assessed within the town of Plymouth, &c.

LXVI. And be it further enacted by the authority aforesaid, That the officers of his Majesty's dock yard now at *Stoke Damrel*, near *Plymouth*, shall be assessed upon this act, for the salaries and other profits, within the town and parish of *Plymouth*, where the salaries of the old dock yard at *Plymouth*, in the year one thousand six hundred and ninety three, were assessed, and not elsewhere; so as the full proportion which was assessed upon the said town and parish of *Plymouth*, in the said year one thousand six hundred and ninety three be again assessed thereon by virtue of this act, and so as the said parish of *Stoke Damrel* be not charged with a greater proportion, in respect of the said salaries and profits, than they were in the said year one thousand six hundred and

and ninety three; any thing herein before contained to the contrary notwithstanding.

LXVII. Provided always, and be it further enacted by the authority afore said, That all the water-works in the borough of *Southwark* shall be rated and assessed in the said borough of *Southwark*, and not elsewhere, by the commissioners and assessors of the county of *Surry*, and not by the commissioners and assessors of the city of *London*, and that the said water-works be assessed according to the clear yearly profits thereof; any thing herein contained to the contrary notwithstanding.

Water-works in *Southwark*, to be assessed in *Surry*.

LXVIII. Provided always, and be it enacted, That the water-works in the city and liberty of *Westminster*, shall be rated and assessed by the commissioners and assessors of the city and liberty of *Westminster*, and not by the commissioners and assessors of the city of *London*; any thing herein contained to the contrary notwithstanding.

Water-works in *Westminster* to be assessed there.

LXIX. Provided always, That all offices and places, which were rated and assessed within the palaces of *Whitehall* and *Saint James*, in and for the years one thousand seven hundred and three, and one thousand seven hundred and four, or either of them (except such as are exempted by this act) shall be rated and assessed within the said palaces, and in no other place whatsoever.

Offices, &c. in *Whitehall* and *St. James's*, to be there assessed.

LXX. And be it enacted and declared by the authority afore said, That the respective persons who have received or collected, or shall receive or collect, the yearly profits of the water works within the town of *Colchester*, in the county of *Essex*, for the time being, shall be, and are hereby charged and chargeable with the payment of the tax that shall be assessed on the said profits respectively by this act, to be levied in such manner as other aids and assessments in and by this act are directed; and the respective persons so charged as afore said, and paying the same, shall be allowed the same on the respective accounts by their respective employers or proprietors for the time being; any thing herein contained to the contrary notwithstanding.

Collectors of the water works in *Colchester* chargeable.

LXXI. And be it further enacted by the authority afore said, That such person or persons as collect and receive the yearly profits of the water-works within the borough of *New Windsor* in the county of *Berks*, shall be, and are hereby charged and chargeable with the payment of the tax that shall be assessed on the said profits, to be levied in such manner as other aids and assessments in and by this act are directed and appointed.

Collectors for the water-works in *New Windsor*, chargeable.

LXXII. And it is hereby declared, That in all places where any the patent officers of the several bishops, or any of them, in *England* and *Wales*, were assessed, and did pay for their respective offices or employments of profit relating to the said bishopricks, unto or for the said aid of four shillings in the pound, in the year one thousand six hundred and ninety three, the same respective offices and employments of profit under the present bishops, or relating to the said bishopricks, or any of them, and the patent officers therein, shall be assessed and chargeable in the same

Patent officers to bishopricks to pay where assessed in 1693.

same parishes and places respectively, and none other, towards the sum to be raised by this act, to his Majesty's use.

Commissioners appointed to act, without subdividing the parish of St. Andrew Holborn, in Middlesex.

LXXIII. Provided always, and it is hereby enacted, That the proportion, which at the first general meeting of the commissioners for the county of *Middlesex*, shall pursuant to this act be laid upon that part of the parish of Saint *Andrew Holborn*, which is in the said county, shall be equally raised therein, without being subdivided into two proportions, or making any distinction between that part above the bars, and that part below the bars: and that in the subdivision of commissioners to act for the several hundreds and divisions in the said county, a number of commissioners shall be appointed to act accordingly for all that part of the said parish of Saint *Andrew*, which lieth in the said county.

The parish of St. George Hanover Square to be charged with a distinct Quota from the parish of St. Martin in the Fields. Debates arising concerning the joint Quota; the commissioners who are inhabitants of either parish to withdraw, or to be fined a sum not exceeding 20l.

LXXIV. Provided always, and it is hereby enacted, That the parish of Saint *George Hanover Square*, within the city and liberty of *Westminster*, shall, in the execution of this act, be chargeable with a distinct sum or *Quota*, separate from that of the parish of Saint *Martin in the Fields*: and if any controversy shall arise among the commissioners concerning the said *Quota*, and the apportioning thereof out of the joint *Quota* of the said two parishes; the commissioners who are inhabitants of, or have any concern or interest in, either of the said two parishes, shall have no voice, but shall withdraw at the time of the debate of such controversy, until it be determined by the rest of the commissioners; and in default thereof, the commissioners then present, who do not inhabit, nor have any interest or concern in either of the said two parishes, shall have power, and are hereby required, to impose such fine or fines as by them shall be thought fit, upon every such commissioner so refusing to withdraw, not exceeding twenty pounds; and to cause the same to be levied and paid as other fines to be imposed by virtue of this act are to be levied and paid.

The parishes of St. John, St. Peter, and Berchington, to be charged in Dover liberty, according to the assessment 4W.&M.

LXXV. Provided always, and it is hereby enacted by the authority aforesaid, That the parishes of Saint *John*, Saint *Peter*, and *Berchington*, in the isle of *Thanet*, within the liberty of *Dover*, shall be deemed and taken to be a distinct division within the said liberty; and in execution of this act, shall be charged towards making up the whole sum charged on the town of *Dover*, and the liberty thereof, according to the proportion which was assessed on the said parishes, by virtue of an act of parliament passed in the fourth year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for granting to their Majesties an aid of four shillings in the pound, for carrying on a vigorous war against France*, and not otherwise. And all commissioners, collectors, head-collectors, and receivers, are hereby required and enjoined to apply themselves with all diligence to the most speedy and effectual execution of their several and respective duties, and to use their utmost endeavours, that all estates, and other things herein charged, may fully and duly pay the rates and assessments, according to the directions of this act, and so as his

his Majesty's service herein may not be delayed or hindered through any of their wilful neglect or default.

LXXVI. Provided, That no poor person shall be charged with or liable to the pound-rate imposed by this act upon lands, tenements, or hereditaments, in *England, Wales, or Berwick upon Tweed*, whose lands, tenements, or hereditaments, are not of the full yearly value of twenty shillings in the whole.

Lands not worth 20s. per annum, not chargeable.

LXXVII. And be it further enacted, That if any collector of any parish or place in *England, Wales, or Berwick upon Tweed*, shall keep in his hands any part of the money by him collected for any longer time than is by this act directed (other than the allowance made unto him by this act) or shall pay any part thereof to any person or persons, other than the receiver-general of such county or place, or to his respective deputy; every such collector shall forfeit, for every such offence, the sum of forty pounds. And in case any receiver-general of any part of *England, Wales, or Berwick upon Tweed*, or his deputy, shall pay any part of the monies paid to him or them by any collector, by virtue of this act, to any person or persons whatsoever, other than into the receipt of his Majesty's exchequer, and at or within the respective times limited by this act; or in case any such receiver-general of any part of *England, Wales, or Berwick upon Tweed*, or his deputy, shall pay any part of the said monies by any warrant of the high treasurer, commissioners of the treasury, or under-treasurer for the time being, or upon any tally of *Pro*, or tally of anticipation, or other way or device whatsoever, whereby to divert or hinder the actual payment thereof into the receipt of the exchequer as aforesaid; then every such receiver-general shall, for every such offence of himself, or his deputy, forfeit the sum of five hundred pounds to him or them that shall sue for the same, in any court of record, by bill, plaint, or information; wherein no essoin, protection, or wager of law is to be allowed.

Collectors keeping monies in their hands, to forfeit 40l.

Receiver-general misapplying the monies to forfeit 500l.

LXXVIII. And it is hereby further enacted, That the high treasurer, or commissioners of the treasury, or under treasurer for the time being, or any of them, do not direct any warrant to any of the collectors or receivers-general in *England, Wales, or Berwick upon Tweed*, or their deputies, for the payment of any part of the monies hereby given to any person or persons, other than into the receipt of the exchequer, as aforesaid; nor shall they, or any of them, direct any warrant to the officers of the exchequer for striking any tally of *Pro*, or tally of anticipation, nor do any matter or thing whereby to divert the actual payment of the said monies into the receipt of the exchequer; nor shall the officers of the exchequer strike, or direct, or record the striking of any tally of *Pro*, or tally of anticipation, upon any of the said monies, upon any account or warrant whatsoever; nor shall any teller throw down any bill, whereby to charge himself with any of the said monies, until he shall have actually received the same.

Commissioners of the treasury, &c. not to divert the payments into the exchequer.

LXXIX. Provided also, and be it enacted, That no stay of pro-

No Noli prosecute, &c. in any suit against this act.

prosecution, upon any command, warrant, motion, order, or direction, by *Non vult ulterius prosecute*, shall be had, made, admitted, received, or allowed by any court whatsoever, in any suit or proceeding, by action of debt, bill, plaint, or information, or otherwise, for the recovery of all or any the pains, penalties, or forfeitures upon any person by this act inflicted, or therein mentioned, or for or in order to the conviction or disability of any person offending against this act, in *England, Wales, or Berwick upon Tweed*.

Commissioners to abate where lands are overcharged,

LXXX. Provided always, That if any person or persons, who shall be charged or assessed by this act to or with a pound-rate upon his, her, or their manors, lands, tenements, hereditaments, or other the premises, shall, upon complaint made to the commissioners, in such manner, and at such times, as are herein directed in cases of appeals, make it appear to the said commissioners, or any three or more of them then present, for hearing and determining such appeals, by proof upon oath, that such assessment doth exceed the equal pound-rate that ought to be charged on him, her, or them; in such case, upon every such proof, and due examination thereof, the said commissioners, or the major part of them then present, as aforesaid, are hereby empowered to abate and lessen the said assessments, so much as the same shall exceed the equal pound-rate that ought to be charged on him, her, or them, and shall cause the money so abated to be re-assessed, surcharged, and levied, in such manner as they, or the major part of them, in their judgements and discretions, shall think most equal, just, and reasonable, within the whole hundred, lathe, wapentake, or other division, where such overcharge or overcharges do happen, although the pound-rate of four shillings in the pound be thereby exceeded; or if any particular part or parts of the same, or any person therein, shall appear to them to be undercharged, then the money so abated shall and may be raised upon such particular part or persons so undercharged; so that the whole sum payable to his Majesty for such hundred, lathe, wapentake, or other division, shall be fully and duly answered and paid, without being diminished by reason of such particular abatement; any thing herein contained to the contrary notwithstanding.

and to re-assess, &c.

or raise it on persons undercharged.

Receiver-general answerable for deputies.

LXXXI. And be it further enacted by the authority aforesaid, That the receiver-general of each county or district in *England, Wales, or Berwick upon Tweed*, shall nominate, constitute, and appoint fit and proper persons (for whom he shall be answerable) to be his deputy or deputies, to receive from the said sub-collectors all and every the rates, duties, and assessments by them respectively collected and received; and the same receivers-general are hereby required to nominate and appoint so many of such deputies in their respective counties, that no sub-collector may be obliged to travel above the space of ten miles from his usual place of abode, for the payment of the said monies that shall be by him collected or received; and if any such receiver-general shall refuse or neglect to nominate and appoint such deputies, in man-

Sub-collector not to travel above ten miles, &c.

Receivers not nominating deputies, &c. to forfeit pool.

ner as aforesaid, or shall wilfully neglect to attend, by himself or deputy, at the time and place by him appointed for his respective receipts, such receiver-general shall, for every such offence, forfeit the sum of one hundred pounds, the one moiety to his Majesty, his heirs, and successors, and the other moiety to him or them that shall sue for the same, by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; in which action or suit, no essoin, protection, privilege, or wager of law, shall be allowed.

LXXXII. Provided nevertheless, That in case there shall not be a sufficient number of commissioners for any city, borough, cinque-port, town or place, in *England, Wales, or Berwick upon Tweed* (for which by this act commissioners are particularly appointed) capable of acting according to the qualifications required by this act, to put this act in execution; that in every such case, any of the said commissioners, appointed for the county at large, within which such city, borough, town, cinque-port, or place doth stand, or which is next adjoining thereto, may act as commissioners in the execution of this act, within such city, borough, town, cinque-port, or place.

Commissioners for the county at large may act for any city, &c.

LXXXIII. And whereas some doubts may arise, whether mayors, bailiffs, or other chief magistrates of cities, boroughs, towns-corporate, or cinque-ports, for which commissioners are specially appointed by virtue of this act, can act as commissioners for executing this act in the said cities, boroughs, towns-corporate, and cinque-ports; be it further enacted by the authority aforesaid, That all mayors, bailiffs, and other chief magistrates, who are appointed commissioners for executing this act, shall be, and have power to act as commissioners for executing this act, within and for any city, borough, town-corporate, or cinque-port, wherein they inhabit at the time of executing this act, as well where commissioners are especially appointed by this act, as where they are not.

Mayors, bailiffs, &c. to act as commissioners specially appointed.

LXXXIV. And whereas several members of parliament, by reason of their attendance in parliament, have, by the assessor of London, Westminster, and Middlesex, and the suburbs of the same, been taxed for their personal estates, and have been put to unreasonable charge and vexation; be it further enacted by the authority aforesaid, That the several members of parliament, who, at the execution of this act, during this session of parliament, shall abide within the said cities of London and Westminster, and the suburbs of the same, or within the county of Middlesex, shall, for or in respect of their ready money, or debts, or any other tax which may be laid on their persons, or personal estate, during this session of parliament, be assessed only in the place where such members have their mansion-houses, or other places where they most usually reside during the interval of parliament; and in case any assessor or commissioner shall assess, or cause to be assessed, any member of parliament, contrary to the provision hereby made, he or they shall forfeit to the party grieved the sum of forty pounds, to be recovered by action of debt, or upon the case,

Members of parliament to be taxed at their mansion-houses.

to be-

together with full costs of suit; any thing herein contained to the contrary notwithstanding.

First meeting
for the west
riding of York
at Pontefract;

north riding
at Thurst;

east riding at
Beverly.

LXXXV. Provided also, and be it enacted by the authority aforesaid, That the first general meeting of the commissioners for the west riding of the county of *York* shall be held at the town of *Pontefract*; and the first general meeting of the commissioners for the north riding of the county of *York*, shall be held at the town of *Thurst*; and the first general meeting of the commissioners for the east riding of the county of *York*, shall be held at the town of *Beverley*; any thing in this act before-mentioned, or any former custom, to the contrary notwithstanding.

No commis-
sioner capable
to act in any
county at
large, unless
rated at 100 l.
per ann. (Me-
rioneth, Car-
digan, &c. ex-
cepted.)

LXXXVI. Provided also, and be it enacted by the authority aforesaid, That no person shall be capable of acting as a commissioner in the execution of this act, or any of the powers therein contained, in or for any county at large, within *Eng-land*, the dominion of *Wales*, (the counties of *Merioneth*, *Carmarthen*, *Glamorgan*, *Montgomery*, *Pembroke*, and *Monmouth*, excepted) or in or for any of the ridings in the county of *York*; unless such person be seized and possessed of lands, tenements, or hereditaments, being freehold, copyhold, or leasehold, over and above all ground rents, incumbrances, and other reservations, payable out of or in respect of such leasehold estates, which were taxed, or did pay in the same county or riding, for the value of one hundred pounds *per annum*, or more, of his own estate, by virtue of an act made and passed in the thirty third year of the reign of his late majesty King *George* the Second, intituled, *An act for granting an aid to his Majesty by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty.*

Commission-
ers for Angle-
sea, &c. to act,
if taxed at 60 l.
per ann.

LXXXVII. Provided nevertheless, That any person herein named a commissioner in and for the county of *Anglesea* or *Carnarvon*, shall be capable of acting as commissioner in the execution of this act, in or for the same counties, or either of them, being himself, or his tenants, or trustees, taxed for the value of sixty pounds *per annum*, or more, of his own estate, by virtue of the said act of the thirty third year of his late Majesty's reign.

Commissioners
may act for
any city, being
inhabitants,
or inns of
court, &c.

LXXXVIII. Provided nevertheless, and it is also hereby enacted, That no person who is hereby appointed to be a commissioner for executing this act in any part of *England*, *Wales*, or *Berwick upon Tweed*, shall be disabled from acting as a commissioner within or for any city, borough, cinque-port, or town-corporate only, for which he is particularly nominated and appointed a commissioner, and whereof he shall be an inhabitant, at the time of the execution of this act; nor from acting as a commissioner within any of the inns of court, or inns of chancery; and that no attorney or solicitor, or person practising as such, who shall not be seized and possessed of lands, tenements, or hereditaments, being freehold, copyhold, or leasehold, over and above all ground rents, incumbrances, and other reservations, payable

Attornies, &c.
not to be com-
missioners,
without pos-
sessing 100 l.
per ann.

out

out of or in respect of such leasehold estates, which were taxed or did pay in the same county or riding, city, borough, town-corporate, cinque-port, or place, for which he shall be named a commissioner, or within the county at large within which such city, borough, town-corporate, cinque-port, or place, for which he shall be named a commissioner, doth stand, or which is next adjoining thereto, for the value of one hundred pounds *per annum*, or more, of his own estate, by virtue of an act made and passed in the thirty third year of the reign of his late majesty King George the Second, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty*; or any receiver-general, or any collector of any aid granted to his Majesty, shall be capable of acting as a commissioner in the execution of this present act in *England, Wales, or Berwick upon Tweed*; any thing herein contained to the contrary notwithstanding.

LXXXIX. Provided also, and be it enacted by the authority aforesaid, That no person shall be capable of acting as a commissioner in the execution of this act, or any of the powers herein contained, within the city of *London*, and liberty of Saint *Martin le Grand*, unless such person be seised and possessed of lands, tenements, or hereditaments, being freehold, copyhold, or leasehold, over and above all ground rents, incumbrances, and other reservations, payable out of, or in respect of such leasehold estates, which were taxed, or did pay, in the said city or liberty for the value of twenty pounds *per annum*, or more, of his own estate, or unless such person was taxed, or did pay, in the said city or liberty for the value of one hundred and fifty pounds personal estate, or more, by virtue of an act made and passed in the thirty third year of the reign of his late majesty King George the Second, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty*.

No commissioner of the city of London, or liberty of St. Martin le Grand, to act, unless rated at 20 l. per ann. of his own estate, &c.

XC. Provided also, and be it enacted by the authority aforesaid, That no person shall be capable of acting as a commissioner in the execution of this act, or any of the powers herein contained, within the city and liberty of *Westminster*, unless such person be seised and possessed of lands, tenements, or hereditaments, being freehold, copyhold, or leasehold, over and above all ground rents, incumbrances, and other reservations, payable out of, or in respect of such leasehold estates, which were taxed, or did pay in the said city or liberty for the value of twenty pounds *per annum*, or more, of his own estate, by virtue of an act made and passed in the thirty second year of the reign of his late majesty King George the Second, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty nine*.

No commissioner of the city, &c. of Westminster to act, unless rated at 20 l. per ann. of his own estate.

XCI. And it is hereby further enacted, That if any person intended by this act to be disabled for any the causes aforesaid, shall nevertheless presume to act as a commissioner in the execution

Persons disabled, presuming to act, to forfeit 50 l.

cution of this act, or any the powers therein contained, every such person, for every such offence, shall forfeit the sum of fifty pounds to any person or persons who will inform or sue for the same; to be recovered in any of his Majesty's courts of record, By action of debt, or on the case, bill, suit, or information; wherein no essoin, protection, wager of law, or more than one imparlance, shall be allowed.

Collectors of
the new wa-
ter-works in
Exon, charge-
able.

XCII. And be it enacted by the authority aforesaid, That the respective persons who have received or collected, or shall receive or collect, the yearly profits of the new water-works within the city and county of *Exon*, for the time being, shall be, and are hereby charged and chargeable with, the payment of the tax that shall be assessed on the said profits respectively by this act, to be levied in such manner as other aids and assessments in and by this act are directed; and the respective persons so charged as aforesaid, and paying the same, shall be allowed the same on their respective accounts, by their respective employers or proprietors for the time being; any thing herein contained to the contrary notwithstanding.

Her royal
highness the
princess dow-
ager of Wales,
not charge-
able,

XCIII. Provided always, and it is hereby declared, That this act, or any thing herein contained, shall not charge, or be construed to charge, her royal highness the princess dowager of *Wales* with the above-mentioned duty or payment of four shillings, out of every twenty shillings, by the year, for or in respect of any sums of money or annuities given or granted by his late Majesty to her said royal highness; but that such sums of money and annuities, and her royal highness, and her treasurers or receivers-general for the time being, in respect of the same, shall be free and clear of all taxes, impositions, and other public charges whatsoever; any thing in this or any former act to the contrary thereof in any wise notwithstanding.

nor his royal
highness the
duke of Cum-
berland, nor
the princels
Amelia.

XCIV. And be it further enacted by the authority aforesaid, That this act, or any thing herein contained, shall not charge, or be construed, deemed, or taken to charge his royal highness the duke of *Cumberland*, or her royal highness the princels *Amelia*, or the officers or servants attending their persons, with the above-mentioned duty or payment of four shillings out of every twenty shillings by the year, for or in respect of any annuities, or yearly payments, granted by his late Majesty, or to be granted by his present Majesty, to their said royal highnesses; but that such annuities, or yearly payments, and their royal highnesses, and their servants for the time being, in respect of the same, shall be free and clear from all taxes, impositions, and other charges whatsoever.

Superannuat-
ed sea-officers
not to pay,
&c. nor poor
knights of
Windfor.

XCv. Provided always, That this act, or any of the several clauses therein contained, shall not extend to charge the pensions of any superannuated commission or warrant sea-officers, or the pensions of widows of sea-officers, slain in the service of the crown; or the revenue of the most noble order of the garter; or the pensions of the poor knights of *Windfor*, payable out of the exchequer only; but that the same shall not extend to lessen the sum provided by this act.

XCvi. And

XCVI. *And whereas the rents and revenues belonging to the residentiaries of the cathedral churches in England and Wales are chargeable to the land tax granted by this present act, and in some cases the overplus of the said rents and revenues, above such tax, repairs, and other charges, is to go in shares for the maintenance of the said residentiaries; which shares are diminished by the said land tax; it is provided and enacted, That in such cases the said residentiaries shall not, by this act, or any the clauses therein contained, be further chargeable, as enjoying offices of profit out of the said rents and revenues; any thing herein contained to the contrary notwithstanding.*

Residentiaries in what cases not chargeable.

XCVII. *Provided, That this act, or any of the several clauses therein contained, shall not extend to charge a certain pension of one hundred pounds per annum, granted by the late King Charles the Second to the poor clergy of the isle of Man.*

Nor 100 l. per ann to the poor clergy of the isle of Man.

XCVIII. *Provided always, That nothing in this act contained shall extend, or be construed to extend, to lay any charge or duty upon the pensions or salaries of his Majesty's pages of honour.*

Nor pages of honour.

XCIX. *Provided always, and it is hereby enacted, That in case there hath been, or shall be, any failure of raising or paying the several sums of money charged upon any county, city, riding, or place, by this or any former acts for granting an aid to his late majesty King William the Third, or her late majesty Queen Anne, or his late majesty King George the First, or his late majesty King George the Second, by a land tax; the receiver-general of such county, city, riding, division, or place respectively, of such tax or assessment, or the receiver-general to be appointed in pursuance of this act, of the same county, riding, division, city, or place, shall certify, under his hand, to the barons of the court of exchequer, the particular city, town, parish, or place, where such failure of payment hath happened, together with the names of the assessors and collectors, and the several other persons belonging to the said city, town, parish, or place, charged with the said tax; which said city, town, parish, or place, or any person or persons charged with the said tax, within such city, town, parish, or place, shall be liable to process for such neglect in raising and paying the same, according to the directions of the said act.*

Receivers general to give notice of failures in payment of the taxes.

C. *Provided always, That the commissioners appointed for the county of the city of Lincoln, may act as commissioners in the execution of this act, or any the powers therein contained, within the Bail and Close of Lincoln; any thing in this act to the contrary notwithstanding.*

Commissioners for Lincoln to act in Lincoln Close.

CI. *Provided always, That the commissioners for the county of Lincoln may act as commissioners in the execution of this act, or any the powers therein contained, within the parish of Saint Martin Stamford Baron, in the county of Northampton, as usually; any thing in this act contained to the contrary notwithstanding.*

And for the county, in St. Martin Stamford Baron.

CII. *Provided always, and be it further enacted by the authority aforesaid, That there shall be provided and kept in his Majesty's*

Auditor to keep a register, &c.

Majesty's exchequer (that is to say) in the office of the auditor of the receipt, one book of register, in which all the money, that shall be paid into the exchequer for the pound-rates and duties hereby granted, shall be entered and registered apart and distinct from all other monies paid and payable to his Majesty.

Deputies to pay for principals, and on nonpayment liable to distress.

CIII. *And whereas divers offices and employments of profit, chargeable by this act, are executed by deputy, and the principal officers living in places remote from the division, parish, or place, where such offices or employments are taxable, the rates and assessments for such particular offices and employments cannot be recovered without great charge and difficulty; be it therefore enacted by the authority aforesaid, That where any office or employment of profit chargeable by this act, is or shall be executed by deputy, such deputy shall pay such assessment as shall be charged thereon, and deduct the same out of the profits of such office or employment; and in case of refusal, or nonpayment thereof, such deputy shall be liable to such distress as by this act is prescribed against any person having and enjoying any office or employment of profit, and to all other remedies, and penalties therein respectively contained; and that there shall be the like remedies and penalties, for the recovering the monies assessed upon any such office or employment of profit to the land tax for the year one thousand seven hundred and six, and for any subsequent year not yet satisfied, in all cases where the accounts of those years, or any of them, are not otherwise cleared in the exchequer.*

Receiver-general to give a list of money received by him, at the time and place appointed.

CIV. *And it is hereby enacted by the authority aforesaid, That at every time and place appointed by the commissioners for the collectors to pay in the monies by virtue of this act to be paid to the receiver-general, or his deputy, for any county, city, riding, town or place in England, Wales, or Berwick upon Tweed, the said receiver-general, or his deputy, under his hand, shall deliver a list or certificate, fairly written, to such person as the said commissioners, or any three or more of them, shall, under their hands, authorize and appoint to attend then and there for that purpose, containing the several and respective sums of money, then and there, or before that time, paid by the respective collectors for each town or place in that hundred or division: and in case there shall be any refusal or neglect in delivering such list or certificate as aforesaid, such receiver-general, or his deputy, so refusing or neglecting, shall forfeit any sum of money, not exceeding twenty pounds, to be imposed by any three or more of the said commissioners, and to be ordered, levied, and answered into the receipt of his Majesty's exchequer, in such manner as by this act is directed, touching the fines imposed on assessors and collectors, as aforesaid.*

On refusal, to forfeit any sum not exceeding 20l.

Collectors may keep so much money as any 2 commissioners judge reasonable.

CV. *And be it enacted and declared by the authority aforesaid, That where any person or persons, who, in pursuance of any former act for granting an aid to her late majesty Queen Anne, or his late majesty King George the First, or his late majesty King George the Second, by a land tax, have seized or distrained, or in pursuance of this act shall seize or distrain the goods*

goods or chattels of any collector, his heirs, executors, or administrators, on nonpayment of any sum or sums of money, which such collector, his heirs, executors, or administrators, was or shall be obliged to pay by virtue of this or any former act; it shall and may be lawful to and for such person or persons making such distress, out of the money arising by the sale of such goods and chattels (such sum and sums of money, for which distress shall or may be made being first thereout satisfied and paid) to keep in his or their hands, to and for his and their own use, so much money, as the commissioners, or any two or more of them (who ordered, or shall order, such distress) shall in their discretion judge reasonable for making such distress, as also for the charges in keeping thereof, or otherwise relating thereto, rendering the overplus (if any be) to the owner.

CVI. *And whereas some receivers of former land taxes have neglected or delayed the passing their accounts in the exchequer in due time, and have, after several years elapsed, set insuper some counties, divisions, or places, for monies which were there raised, and for the answering whereof due proof might have been made, in case such receivers had accounted sooner, whereby several counties, divisions, and places, have been put to unreasonable charge and vexation; it is therefore hereby provided, declared, and enacted, by the authority aforesaid, That no receiver whatsoever of any monies granted by this act, to be raised in England, Wales, or the town of Berwick upon Tweed, or any heirs, executors, or administrators, of such receiver, shall, in any accounts of the monies where- with such receiver shall be chargeable (unless such account be declared and passed in the exchequer within three years at the farthest after the twenty fourth day of March, one thousand seven hundred and sixty one) be allowed or admitted to set insuper, or charge any county, division, or place, in England, Wales, or the town of Berwick upon Tweed, for any monies granted by this act, which shall be in arrear, and unpaid; but that the same shall remain a debt upon every such receiver, to be answered by him and his securities, his and their heirs, executors, or administrators, lands, tenements, goods, and chattels respectively; any thing herein contained to the contrary notwithstanding.*

No receiver to return an insuper upon any county, &c after 3 years, for monies in arrear;

but the same to be a debt on him and his securities.

CVII. *And whereas the usual and proper method of compelling the payment of sums set insuper, is by process of Distringas: and whereas divers sheriffs, or their under sheriffs, or other officers, who have had the execution of such process, favouring inhabitants, or collectors, have returned issues upon the writs to them directed, so small and inconsiderable, that in many instances such method of proceeding hath been found insufficient to compel the payment of arrears, whereby great loss hath happened to the publick, and further losses may hereafter happen by the like proceedings, unless some remedy be provided for the prevention thereof, be it enacted by the authority aforesaid, That upon every such writ of Distringas hereafter to be issued upon any such insuper, the sheriff or other officer, to whom the*

Sheriff, on writs of Distringas, to return issues

after the rate
of 5l. per cent.
of the sum let
infuper;

and procefs to
iffue thereup-
on, &c.

Water-works
in Shrewsbury
chargeable.

Who fhall
have the be-
n fit only of
overplus fums
uncharged.

Clause for the
eafe of prote-
ftants, to
whom lands,
&c. have
come, which
have been
doubly taxed.

same fhall be directed, fhall return iffues after the rate of five pounds, at leaft, for every hundred pounds of the fum fet *infuper*; which iffues fo returned fhall be forthwith drawn down into the great roll of the pipe; and procefs, according to the courfe Of the exchequer, fhall iffue for levying the fame at the firft general iffuing of procefs for his Majesty, his heirs, and fucceffors, out of and under the feal of the faid exchequer, unlefs the lord treafurer, or commiffioners of the treafury, or chancellor of the exchequer, or the barons of the exchequer, or any two of them, fhall, upon juft caufe, think fit to order the drawing down fuch iffues into the pipe, or the iffuing fuch procefs, to be refpited till a further day.

CVIII. And be it enacted by the authority aforefaid, That the refpective perfons who have received or collected, or fhall receive or collect, the yearly profits of the water-works within the town of *Shrewsbury*, fhall be, and are hereby, charged and chargeable with the payment of the tax that fhall be affeffed on the faid profits by this act, to be levied in fuch manner as other aids and affeffments in and by this act are directed; and the refpective perfons fo charged as aforefaid, and paying the fame, fhall be allowed the fame on their accounts, by the proprietors thereof for the time being; any thing herein contained to the contrary notwithstanding.

CIX. And whereas by and in purfuanee of certain claufes, which are contained in the feveral acts of parliament for land taxes, which paffed in the reign of their late majesties Queen Anne, King George the Firft, and King George the Second, feveral pariffes and places have been difcharged by the barons of the exchequer, of certain over-plus fums, wherewith they were refpectively overburdened, by reafon of double taxes formerly charged upon them; and the like overplus fums are not comprehended in the proportions by this act charged upon the counties, cities, or other places, wherein the faid pariffes or places formerly overburdened as aforefaid, were fituat: it is hereby declared and enacted, That the cafe fo given fhall accrue only to the refpective pariffes or places formerly overburdened as aforefaid, and fhall not be contrived or taken to leffen, abate, or difcharge any of the fums or proportions to be raifed in any other city, borough, pariff, town, or place whatfoever.

CX. And whereas the fums that were affeffed by virtue of the act for the former aid of four fhillings in the pound, which was made and paffed in the fourth year of the reign of their late majesties King William and Queen Mary, do not only govern the proportions fet upon every county, city, riding, town, or other place hereby charged with a certain fum in this act fet down and expreffed; but are alfo to regulate the proportions thereof in every hundred or divifion refpectively, towards the faid fum of one million nine hundred eighty nine thoufand nine hundred pounds, eighteen fhillings, and nine pence: and whereas towards the affeffments which were made by virtue of the faid act of the fourth year of their faid late majesties reign, feveral lands, tenements, rents, or other hereditaments of papifts, and other perfons, refufing or negleeting to take the oaths therein contained, were

assessed to pay double the rates therein expressed; and since the making those assessments, several of the said papists, and other persons, which were so doubly taxed, have taken the said oaths, or their lands are come to protestants, whereby their estates will be charged on this act only to such an equal pound-rate, as is to be borne by their protestant neighbours; and several of the said papists, and other persons, formerly doubly taxed as aforesaid, are since dead, or have bona fide sold their estates, and the estates which belonged to such persons do now belong to persons now liable to the said double assessments; and by occasion of the said former double rates, which were on the said papists, or persons who have since taken the said oaths, or whose estates are since come to protestants, as aforesaid, some parishes, townships, or other places, may be overburdened, or charged with more than four shillings in the pound (reckoning by the rack-rent, and utmost improved value of their estates) towards the said sum of one million nine hundred eighty nine thousand nine hundred pounds, eighteen shillings, and nine pence, if a suitable remedy be not provided; be it therefore enacted by the authority aforesaid, That where the lands, tenements, rents, or hereditaments of a whole parish, town, or place, which shall have a proportion to raise, in pursuance of this act, shall be charged with more than four shillings in the pound, upon the yearly value (reckoning by the rack-rents, and the highest improvements made of such lands, tenements, or hereditaments) towards the said sum of one million nine hundred eighty nine thousand nine hundred pounds, eighteen shillings, and nine pence, by this act granted, because the estates of papists, and other persons formerly doubly taxed, as aforesaid, by their taking the said oaths, or the estates being come to protestants by purchase *bona fide*, or the death of such papists, or any other persons formerly doubly taxed, as aforesaid, are or may be liable only to a single assessment; in all and every such case and cases, it shall and may be lawful to and for the commissioners of the hundred, lathe, wapentake, rape, ward, or other division, in which such parish, town, or place, doth lie, or any two or more of them, and in like manner to and for the commissioners of any city, borough, port, or town, for which commissioners are by this act appointed, or any two or more of them, upon complaint thereof to them made, for or on behalf of the owners or occupiers of the lands, tenements, rents, and hereditaments in any such city, borough, port, parish, town, or place respectively, to examine into the matter of such complaint; and if they are satisfied of the truth thereof, the said commissioners, or any two or more of them, are hereby required and impowered, at any time before the twenty ninth day of September, one thousand seven hundred and sixty one, and not afterwards, to certify to the barons of his Majesty's court of exchequer for the time being, the names of such persons formerly doubly taxed, as aforesaid, and how much their double tax did amount to, and how much the sum charged by virtue of this act, upon the lands, tenements, rents, or hereditaments, in such city, borough, port, parish, town, or place, by occasion

Where lands formerly doubly taxed are liable only to a single assessment;

Commissioners, on complaint, to examine into the truth thereof,

and to certify the same to the barons of the exchequer, before 29 Sept. 1760;

who are to discharge the overplus before the last day of Nov. 1761.

Certificates of the sums discharged to be produced to the commissioners at their next meeting.

Commissioners may summon collectors, who have converted land tax monies to their own use,

sion of their lands being now liable to a single assessment, as aforesaid, doth exceed four shillings in the pound of the full and true yearly value thereof: and the said barons of the *exchequer*, or any two or more of them, are hereby authorized and required to enquire and inform themselves, by the oaths of two credible witnesses at least, concerning the truth of the said certificates; and in all cases where they shall be satisfied therein, the said barons, or any two or more of them, have hereby power by their discretions, at any time before the last day of *November*, one thousand seven hundred and sixty one, to discharge, or cause to be discharged, the overplus, or so much of the sum by this act charged or chargeable upon such city, borough, town, parish, or place, towards the said sum of one million nine hundred eighty nine thousand nine hundred pounds, eighteen shillings, and nine pence, as shall, by the occasions aforesaid, exceed the rate of four shillings in the pound; and the said overplus shall or may be discharged upon the duplicates to be returned for such city, borough, town, port, parish, or place respectively, and shall be allowed upon the account of the respective receivers-general; and the inhabitants of every such city, borough, port, parish, town, or place, shall be acquitted against his Majesty, his heirs, and successors, for and touching the payment of such overplus monies so discharged, or ordered to be discharged, by the barons of the *exchequer*, or any two or more of them, as aforesaid; any thing herein contained to the contrary notwithstanding; and that such parish, town, port, or place, so discharged by the barons, and no others, shall have the benefit of the sums so discharged by this act; and no other officer, or deputy or clerk whatsoever, shall take any fee, reward, or gratuity, for or upon account of such discharge: which said respective certificate or certificates, or a true copy or copies thereof, whereby the said parish or parishes, place or places, have been discharged by the said barons of the *exchequer* of such overplus sums, shall be produced by the persons claiming the benefit thereof, to the commissioners of the land tax at their next general meeting, to ascertain the proportion on each division, after such certificate or certificates have been obtained.

CXI. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners who shall have power to execute this present act, within any hundred, division, parish, or place respectively (other than such commissioners as have been collectors of any land tax there) or the major part of them, who shall be present at any publick meeting or meetings for this purpose, at their usual place of meeting for such hundred, division, parish, or place respectively, to issue their precept or precepts to all and every such collector or collectors, who are or shall be suspected by such commissioners, or the major part of them then present, to have received or levied any sum or sums of money within any parish or township, by or under colour or pretext of any act or acts of parliament, which at any time or times within seven years next before

before the beginning of this session of parliament have been made or passed for granting to his late Majesty a land tax or land taxes, jointly with any other tax or taxes in such act or acts comprehended, and to have converted the same fraudulently to his and their own use and uses; and if such collector or collectors be dead, then to issue such precept to their heirs, executors, or administrators respectively, thereby requiring all and every such collector or collectors, their heirs, executors, or administrators, to appear before the said commissioners, at the time and place in such precept or precepts to be prefixed: and upon their, or any of their appearances, or making default (after summons delivered to them, or left at the usual places of their abode respectively) the said commissioners, in their respective divisions or districts, or the major part of them, which shall be present at any meeting or meetings in this behalf, as aforesaid, shall and have hereby power to enquire by examination of witnesses upon oath, or any other lawful ways or means, by which the truth may be best known, and to determine what sum or sums of money the said collectors, or any of them, did receive or levy, or fraudulently convert to their own use or uses as aforesaid; and thereupon to issue their warrants and orders, requiring all and every such collector or collectors, their heirs, executors, and administrators, respectively, in whose hands the said commissioners, or the major part of them, shall find any such money to be remaining, or who shall be chargeable therewith respectively, to pay the same to his Majesty's use, in manner following (that is to say) in case there be any deficiency remaining upon any such parish or township, of the *quota* or proportion charged thereupon to the tax imposed by the act or acts, whereby or by colour whereof the money found, as aforesaid, was collected or levied; then every such deficiency shall be satisfied, in the first place, out of the monies so to be recovered, or the same monies, so far as they will extend, shall be applied for or towards the making good of every such deficiency respectively; and in all cases where there is no deficiency upon any such parish or township, or there shall be an overplus more than sufficient to discharge any such deficiency, the said commissioners, or the major part of them, shall by their said order require the said money so found, or the overplus thereof, to be paid by the said respective collectors, their heirs, executors, or administrators, to the receiver-general, towards discharging so much of the proportions to be charged on such parish, or township, by virtue of this present act.

and on examination may issue their warrants for paying such monies to his Majesty's use.

CXII. And it is hereby declared and enacted, That such payments so to be made in pursuance of the said orders or warrants of the said commissioners, or the major part of them, as aforesaid, shall be good and sufficient discharges, to the said collectors, their heirs, executors, and administrators respectively, against his Majesty, his heirs, and successors, and all other persons whatsoever.

The payments made according to the commissioners warrants, &c. shall be discharges to the collectors, or their heirs, &c.

CXIII. And it is hereby declared and enacted by the autho-

Collectors not
paying, may
be imprison-
ed, and their
estates seized
and sold.

That if any such collector as aforesaid, shall neglect or refuse to pay any sum or sums of money according to such order of the said commissioners as aforesaid, within the time or times by such order or orders to be limited; the said commissioners for each hundred, parish, or place, or any two or more of them, in their respective divisions or districts, are hereby authorized and empowered to imprison the person of every such collector, till he makes payment of the said money; and to seize and secure the estate as well freehold as copyhold, and all other estate, both real and personal, of such collector, to him belonging, or which shall descend or come into the hands or possession of his heirs, executors, or administrators, wheresoever the same can be discovered or found; and the said commissioners, who shall so seize and secure the estate of any such collector or collectors, shall be, and are hereby empowered to appoint a time for a general meeting of the said commissioners for such hundred, division, parish, or place, and to cause publick notice to be given of the place where such meeting shall be appointed, fix days at least before such meeting; and the commissioners present at such meeting, or the major part of them (in case the monies detained be not paid and satisfied as it ought to be, according to the directions of this act) shall and are hereby empowered and required to sell and dispose of all such estates, which shall be for the cause aforesaid seized and secured, or any part thereof; and, out of the monies arising by such sale, to satisfy and pay (in manner prescribed by this act) the sum which shall be detained in the hands of such collector or collectors, their heirs, executors, and administrators respectively, with the charges of recovering, raising, and paying the same; and the overplus (if any be) to be restored to such person as owned the said estate before the sale thereof; any former act or acts of parliament, or other matter or thing, to the contrary notwithstanding.

Arrears of
former land
taxes to be
levied by the
present com-
missioners.

CXIV. *And whereas several arrears of land taxes, granted by former acts of parliament, do still remain unsatisfied, which ought to have been levied, assessed, or re-assessed, by the respective commissioners in such acts named or appointed, some of which being since dead, or removed to distant places; it is hereby declared and enacted by the authority aforesaid, That the commissioners by this act named or appointed, or so many of them, as are hereby empowered to cause the monies by this act granted to be assessed or raised, shall, and they are hereby empowered to cause the monies so in arrear upon the said land taxes to be assessed, re-assessed, levied, and answered, as fully and effectually as any commissioners appointed by former acts might have done in that behalf; and the said assessors, collectors, and receivers, shall respectively assess, re-assess, levy, receive, and answer the several arrears, in such manner, and under such penalties, and by such means, and as fully and effectually, as in this act they are empowered and required, with respect to the several sums by this act charged.*

CXV. And be it further enacted by the authority aforesaid,
That

That no receiver-general of any of the taxes by this act granted, or any of his agent or agents, servant or servants, by him employed for the carrying any of the monies to be received for or on account of the said taxes, shall maintain any action or actions against any hundred or hundreds in that part of Great Britain called England, for or upon account of his or their being robbed on the King's highway of any the said monies, unless the person or persons carrying such monies shall, at the time of such robbery, be together in company, and be in number three at the least, to attest the truth of his or their being so robbed; any law, statute, or provision, to the contrary thereof in any wise notwithstanding.

CXVI. *And whereas by virtue of several acts of parliament specially made, or to be made, for the better repairing of certain publick roads, turnpikes have been or may be set up, and tolls or duties taken for repairing the said roads;* it is hereby provided and declared by the authority aforesaid, That such tolls and duties are not, and shall not be liable to be rated or taxed towards the aid granted by this act, or towards any aid granted by any former act for a land tax; and that the several officers and persons employed, or to be employed, in collecting such tolls, and repairing such roads, shall not be liable to be taxed or rated in any manner whatsoever, by reason of their said offices or employments, or any salary arising thereby; this act, or any other law or statute, to the contrary notwithstanding.

CXVII. And be it further enacted by the authority aforesaid, That where the commissioners appointed to execute this present act in any county, division, hundred, riding, city, town, or place, or any five or more of them, shall have good reason to suspect that the assessors appointed for any parish or place, pursuant to any act or acts of parliament for granting an aid or aids to the crown by a land tax or land taxes, have, in fraud of any parish or place for which they are assessors, since the sixth day of May, one thousand seven hundred and seventeen, been omitted to be charged or assessed for any of their own estates, which ought to have been charged or assessed to such land tax or land taxes, it shall be lawful for such commissioners for such county, division, hundred, city, riding, town, or place respectively, or any five or more of them, and they are hereby authorized and required at such convenient time or times before the twentieth day of September, which shall be in the year of our Lord one thousand seven hundred and sixty one, to summon and call before them the assessors for the time being, since the said sixth day of May, one thousand seven hundred and seventeen, for such parishes and places respectively, and to examine such assessors, or any of them, or any other person or persons, upon oath (which oath or oaths the said commissioners are hereby empowered and required to administer) for discovery or proof of any such fraud or omission, since the said sixth day of May, one thousand seven hundred and seventeen; and as the said commissioners, or the major part of them present, shall find the case to be, they shall compute

No receiver-general, or his agents, may sue the county for a robbery, unless the persons carrying the money be in company.

Tolls or duties on turnpikes not chargeable by this or any former act.

Commissioners may, before 29 Sept. 1761, summon assessors, who have not charged their estates since 6 May, 1717,

and examine them upon oath,

and award satisfaction,

to be levied and paid to the collectors.

Commissioners, &c. to distinguish and set down the gross sums assessed for double taxes, to be transmitted in the exchequer.

Assessments on the town of Cambridge to be raised on manors, &c.

and on fishings, &c. on the river Cam.

compute the wrong which any such parish or place hath sustained by reason or occasion of any such fraud or omission, and shall award satisfaction to be made accordingly to such parishes or places respectively, by the respective assessors, whose estates have been so omitted to be charged or assessed as aforesaid; and the said commissioners shall, by warrant or warrants under their hands and seals, cause the sum or sums so awarded to be levied upon the persons, or the executors or administrators of the persons respectively, who have been so omitted to be charged or assessed as aforesaid, and upon their goods and chattels respectively; all which sums so to be levied shall be paid into the hands of the collectors of the land tax, to be appointed pursuant to this act for such respective parishes and places; to the end the said parishes and places respectively may have the benefit thereof, and may be eased accordingly in their proportion to this present aid, or to the next aid or aids which shall be granted to his Majesty, his heirs, and successors, by a land tax: provided nevertheless, That the *quota* of the aid granted to his Majesty shall not be lessened for any such parish or place.

CXVIII. And be it further enacted by the authority aforesaid, That such commissioners as are by this act required to transmit, or cause to be transmitted, the above-mentioned schedules or duplicates in the King's remembrancer's office of the exchequer, or any three or more of them, shall, and they are hereby required, in every such schedule, or duplicate, to distinguish and set down, or cause to be distinguished and set down, the gross sum which shall be assessed, charged, or payable in every hundred or division respectively, by virtue of this act, for double taxes, that so it may be known how much the double taxes arising by this act do or will amount to in every hundred and division, where any such shall be.

CXIX. Provided always, and be it further enacted by the authority aforesaid, That the sum appointed by this act to be raised by the town of *Cambridge*, shall be raised and levied by rating all manors, messuages, lands, and tenements, woods, underwoods, coppices, fishings, locks, wears, and sluices, upon the river *Cam*, alias *Grant*, tithes, tolls, markets, fairs, booths, stalls, and standings, in such fairs and markets, and the rents and profits of the same, and all other hereditaments, of what nature or kind soever they be, situate, lying, and being, happening, or arising in the said town, or within the bounds, limits, and precincts thereof; and also all estates in goods, wares, merchandizes, and other chattels and personal estates whatsoever, belonging to the said town, or any the members of the same, except only such personal estate as in this act before is excepted.

CXX. And whereas fairs are usually held for some short time in the year only, by means whereof it may be impossible to levy the proportions to be assessed by virtue of this act, on the fairs to be held within the said town, or limits thereof, by such quarterly payments as by this act is directed to be done in other cases; be it further enacted

acted by the authority aforesaid, That the collectors to be appointed by virtue of this act for levying and collecting the said rates and taxes shall demand the intire sum which shall be assessed for the whole year on such fairs, and the booths, stalls, and standings in the same, from the parties themselves, who shall set to sale any goods or merchandizes in the said fairs, booths, stalls, or standings, or otherwise occupy the same, if they can be found, or else upon the premisses charged with such assessments, at any time within seven days after the first proclaiming of such fair or fairs; and in default of payment thereof, shall levy the sum assessed, by distress and sale of all the goods and chattels that shall be found in the said booths, stalls, or standings, in such manner as is herein directed to be done in other cases.

On whom, and when, yearly assessments on fairs, &c. to be collected.
Distress on default of payment, how to be levied.

CXXI. And it is hereby enacted and declared, That the said Tenants of collectors shall have all such powers of making such distress as is hereby given to collectors in other cases; and the several and respective tenants of all such booths, stalls, and standings, which shall be rated by virtue of this act, are hereby required and authorized to pay such sum or sums of money as shall be rated thereon, and to deduct the same out of the rent payable for such booths to their respective landlords.

CXXII. And be it further enacted by the authority aforesaid, That the sum of forty seven thousand nine hundred fifty four pounds, one shilling, and two pence, by this act granted, shall be raised and levied in that part of *Great Britain* called *Scotland*, by an 8 months cess of five thousand nine hundred ninety four pounds, five shillings, and one penny three farthings, of lawful money of *Great Britain*, for every month; the said cess to be raised out of the land rent of *Scotland*, according to the monthly proportions within the respective shires, stewartries, cities, and boroughs herein after expressed; that is to say,

47,954 l. 1 s. 2 d. to be raised in Scotland, by an 8 months cess of 5,994 l. 5 s. 3 d. 3 q. per men-
sem;

WITHIN the sheriffdom of *Edinburgh*, the monthly sum of two hundred sixty four pounds, thirteen shillings, and three pence, of lawful money of *Great Britain*.

Within the sheriffdom of *Haddington*, the monthly sum of two hundred thirty one pounds, six shillings, and three pence three farthings, of like money.

Within the sheriffdom of *Berwick*, the monthly sum of two hundred thirty three pounds, seventeen shillings, and five pence halfpenny, of like money.

Within the sheriffdom of *Roxburgh*, the monthly sum of three hundred and six pounds, ten shillings, and five pence farthing, of like money.

Within the sheriffdom of *Selkirk*, the monthly sum of seventy five pounds, three shillings, and ten pence farthing, of like money.

Within the sheriffdom of *Peebles*, the monthly sum of eighty six pounds, thirteen shillings, and two pence three farthings, of like money.

Within

Within the sheriffdom of *Lanark*, the monthly sum of two hundred fifty seven pounds, and seven pence halfpenny, of like money.

Within the sheriffdom of *Dumfries*, the monthly sum of two hundred twenty five pounds, ten shillings, and nine pence farthing, of like money.

Within the sheriffdom of *Wigtown*, the monthly sum of eighty three pounds, ten shillings, and seven pence three farthings, of like money.

Within the stewartry of *Kirkcudbright*, the monthly sum of one hundred thirty nine pounds, four shillings, and three pence halfpenny, of like money.

Within the sheriffdom of *Air*, the monthly sum of three hundred twenty one pounds, fifteen shillings, and four pence three farthings, of like money.

Within the sheriffdom of *Dumbarton*, the monthly sum of sixty three pounds, eleven shillings, and one penny three farthings, of like money.

Within the sheriffdom of *Bute*, the monthly sum of twenty five pounds, ten shillings, and ten pence farthing, of like money.

Within the sheriffdom of *Renfrew*, the monthly sum of one hundred and twelve pounds, ten shillings, and two pence halfpenny, of like money.

Within the sheriffdom of *Striveling*, the monthly sum of one hundred forty five pounds, sixteen shillings, and eleven pence halfpenny, of like money.

Within the sheriffdom of *Linlithgow*, the monthly sum of ninety seven pounds, five shillings, and two pence three farthings, of like money.

Within the sheriffdom of *Perth*, the monthly sum of four hundred eighteen pounds, eighteen shillings, and two pence halfpenny, of like money.

Within the sheriffdom of *Kincardine*, the monthly sum of eighty one pounds, sixteen shillings, and one penny three farthings, of like money.

Within the sheriffdom of *Aberdeen*, the monthly sum of three hundred thirty nine pounds, and eight shillings, of like money.

Within the sheriffdom of *Inverness*, the monthly sum of one hundred pounds, sixteen shillings, and eleven pence halfpenny, of like money.

Within the sheriffdom of *Ross*, the monthly sum of one hundred fourteen pounds, eleven shillings, and one penny three farthings, of like money.

Within the sheriffdom of *Nairn*, the monthly sum of twenty three pounds, one shilling, and ten pence halfpenny, of like money.

Within the sheriffdom of *Cromarty*, the monthly sum of five pounds, thirteen shillings, and five pence three farthings, of like money.

Within the sheriffdom of *Argyll*, the monthly sum of one hundred

hundred sixty one pounds, eighteen shillings, and five pence, of like money.

Within the sheriffdom of *Fife* and *Kinross*, the monthly sum of four hundred thirty pounds, and one penny halfpenny, of like money.

Within the sheriffdom of *Forfar*, the monthly sum of two hundred seventy two pounds, three shillings, and seven pence three farthings, of like money.

Within the sheriffdom of *Bamff*, the monthly sum of ninety five pounds, twelve shillings, and seven pence, of like money.

Within the sheriffdom of *Sutherland*, the monthly sum of twenty seven pounds, eighteen shillings, and eight pence halfpenny, of like money.

Within the sheriffdom of *Caithness*, the monthly sum of forty nine pounds, sixteen shillings, and five pence farthing, of like money.

Within the sheriffdom of *Elgin*, the monthly sum of eighty eight pounds, one shilling, and three pence, of like money.

Within the sheriffdom of *Orkney* and *Zetland*, the monthly sum of ninety pounds, nine shillings, and eleven pence three farthings, of like money.

Within the sheriffdom of *Clackmannan*, the monthly sum of twenty nine pounds, five shillings, and eleven pence farthing, of like money.

Within the city of *Edinburgh*, the monthly sum of three hundred thirty two pounds, eleven shillings, and three pence, of like money.

Within the burgh of *Perth*, the monthly sum of thirty eight pounds, eight shillings, and three pence, of like money.

Within the burgh of *Dundee*, the monthly sum of sixty pounds, seventeen shillings, and two pence, of like money.

Within the burgh of *Aberdeen*, the monthly sum of sixty six pounds, sixteen shillings, and eleven pence, of like money.

Within the burgh of *Striveling*, the monthly sum of seventeen pounds, nineteen shillings, and one penny three farthings, of like money.

Within the burgh of *Linlithgow*, the monthly sum of sixteen pounds, nineteen shillings, and two pence halfpenny, of like money.

Within the city of *Saint Andrew*, the monthly sum of fourteen pounds, and sixteen shillings, of like money.

Within the city of *Glasgow*, the monthly sum of one hundred nineteen pounds, and fifteen shillings, of like money.

Within the burgh of *Ayr*, the monthly sum of seventeen pounds, five shillings, and nine pence three farthings, of like money.

Within the burgh of *Haddington*, the monthly sum of seventeen pounds, nineteen shillings, and one penny three farthings, of like money.

Within the burgh of *Dysart*, the monthly sum of seven pounds, nineteen shillings, and seven pence halfpenny, of like money.

With-

Within the burgh of *Kirtaldie*, the monthly sum of twenty two pounds, eighteen shillings, and eleven pence, farthing, of like money.

Within the burgh of *Montrose*, the monthly sum of eighteen pounds, nineteen shillings, and one penny farthing, of like money.

Within the burgh of *Cowper*, the monthly sum of nine pounds, nineteen shillings, and six pence halfpenny, of like money.

Within the burgh of *Anstruther Easter*, the monthly sum of one pound, nineteen shillings, and ten pence three farthings, of like money.

Within the burgh of *Dumfreis*, the monthly sum of sixteen pounds, twelve shillings, and six pence three farthings, of like money.

Within the burgh of *Inverness*, the monthly sum of seventeen pounds, nineteen shillings, and one penny three farthings, of like money.

Within the burgh of *Brunt Island*, the monthly sum of nineteen pounds, fifteen shillings, and eight pence three farthings, of like money.

Within the burgh of *Innerkeithing*, the monthly sum of three pounds, nineteen shillings, and nine pence halfpenny, of like money.

Within the burgh of *Kinghorn*, the monthly sum of four pounds, nine shillings, and nine pence halfpenny, of like money.

Within the burgh of *Brechin*, the monthly sum of five pounds, seven shillings, and nine pence, of like money.

Within the burgh of *Irwin*, the monthly sum of eight pounds, nineteen shillings, and seven pence, of like money.

Within the burgh of *Jedburgh*, the monthly sum of eight pounds, nineteen shillings, and seven pence, of like money.

Within the burgh of *Kirkcudbright*, the monthly of seven pounds, nineteen shillings, and seven pence halfpenny, of like money.

Within the burgh of *Wigtown*, the monthly sum of six pounds, nineteen shillings, and eight pence, of like money.

Within the burgh of *Pattenween*, the monthly sum of six pounds, thirteen shillings, and one farthing, of like money.

Within the burgh of *Dumfermling*, the monthly sum of seven pounds, nineteen shillings, and seven pence halfpenny, of like money.

Within the burgh of *Anstruther Wester*, the monthly sum of two pounds, nine shillings, and ten pence, of like money.

Within the burgh of *Selkirk*, the monthly sum of six pounds, thirteen shillings, and one farthing, of like money.

Within the burgh of *Dumbarton*, the monthly sum of four pounds, nineteen shillings, and six pence halfpenny, of like money.

Within the burgh of *Renfrew*, the monthly sum of three pounds,

pounds, nineteen shillings, and nine pence halfpenny, of like money.

Within the burgh of *Dumbar*, the monthly sum of five pounds, nineteen shillings, and eight pence farthing, of like money.

Within the burgh of *Lanerk*, the monthly sum of five pounds, nineteen shillings, and eight pence farthing, of like money.

Within the burgh of *Aberbrothock*, the monthly sum of four pounds, nine shillings, and nine pence halfpenny, of like money.

Within the burgh of *Elgin*, the monthly sum of nine pounds, nineteen shillings, and six pence halfpenny, of like money.

Within the burgh of *Peebles*, the monthly sum of five pounds, nineteen shillings, and eight pence halfpenny, of like money.

Within the burgh of *Craile*, the monthly sum of eight pounds, nineteen shillings, and seven pence, of like money.

Within the burgh of *Tayne*, the monthly sum of three pounds, nine shillings, and nine pence three farthings, of like money.

Within the burgh of *Culrofs*, the monthly sum of three pounds, nineteen shillings, and nine pence halfpenny, of like money.

Within the burgh of *Bamff*, the monthly sum of three pounds, nineteen shillings, and nine pence halfpenny, of like money.

Within the burgh of *Whithorn*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Forfar*, the monthly sum of one pound, nineteen shillings, and ten pence three farthings, of like money.

Within the burgh of *Rethefay*, the monthly sum of two pounds, nineteen shillings, and ten pence, of like money.

Within the burgh of *Nairn*, the monthly sum of one pound, nine shillings, and eleven pence, of like money.

Within the burgh of *Forres*, the monthly sum of two pounds, nine shillings, and ten pence, of like money.

Within the burgh of *Rutherglen*, the monthly sum of one pound, nine shillings, and eleven pence, of like money.

Within the burgh of *North Berwick*, the monthly sum of nine shillings, and eleven pence three farthings, of like money.

Within the burgh of *Cullen*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Lawder*, the monthly sum of two pounds, nineteen shillings, and ten pence, of like money.

Within the burgh of *Kintore*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Kilrenny*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Annamand*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Lockmahen*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Sanguhar*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

With-

Within the burgh of *New Galloway*, the monthly sum of nine shillings, and eleven pence three farthings, of like money.

Within the burgh of *Dingwall*, the monthly sum of nineteen shillings, and eleven pence farthing, of like money.

Within the burgh of *Dornock*, the monthly sum of one pound, nine shillings, and eleven pence three farthings, of like money.

Within the burgh of *Queensferry*, the monthly sum of four pounds, nineteen shillings, and nine pence, of like money.

Within the burgh of *Fortrofs*, the monthly sum of two pounds, nine shillings, and ten pence halfpenny, of like money.

Within the burgh of *Inverury*, the monthly sum of one pound, nine shillings, and eleven pence three farthings, of like money.

Within the burgh of *Weike*, the monthly sum of one pound, thirteen shillings, and three pence, of like money.

Within the burgh of *Innerbervey*, the monthly sum of nine shillings, and eleven pence three farthings, of like money.

Within the burgh of *Kirkwall*, the monthly sum of four pounds, nineteen shillings, and nine pence, of like money.

Within the burghs of *Straenraver* and *Cambleton*, the monthly sum of two pounds, nine shillings, and ten pence halfpenny, of like money.

to be rated as
the tax roll
now is or shall
be settled by
themselves.

The first two
months cefs
to be paid by
24 June, 1761.

Second 29
Sept. 1761.

Third 25 Dec.
1761.

Fourth 25
March, 1762.

Commission-
ers for putting
this act in ex-
ecution in
Scotland.

CXXIII. Provided always, That the proportion of the said bo-roughs in *Scotland*, be rated and paid as their tax roll now is or shall be settled by themselves: any thing in this act contained to the contrary notwithstanding.

CXXIV. And it is hereby enacted, That the said new supply in *Scotland* is to be paid at the terms following; that is to say, The sum of eleven thousand nine hundred eighty eight pounds, ten shillings, and three pence halfpenny, of lawful money of *Great Britain*, for the first two months cefs, shall be payable on or before the twenty fourth day of *June*, one thousand seven hundred and sixty one; and the like sum of eleven thousand nine hundred eighty eight pounds, ten shillings, and three pence halfpenny, of like money, as the second two months cefs, on or before the twenty ninth day of *September*, one thousand seven hundred and sixty one; and the like sum of eleven thousand nine hundred eighty eight pounds, ten shillings, and three pence halfpenny, of like money, as the third two months cefs, on or before the twenty fifth day of *December*, one thousand seven hundred and sixty one; and the like sum of eleven thousand nine hundred eighty eight pounds, ten shillings, and three pence halfpenny, of like money, as the remaining two months cefs, on or before the twenty fifth day of *March*, one thousand seven hundred and sixty two.

CXXV. And be it further enacted by the authority aforesaid, That all and every person and persons who in and by the said act of parliament made and passed in the thirty first year of the reign of his late majesty King *George* the Second, intituled, *An act for appointing commissioners for putting in execution an act of this session of parliament, intituled, An act for granting an aid to his* Ma-

Majesty, by a *Warrant* to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty eight; and for enforcing the payment of the rates to be assessed upon *Somerset House* in the Strand; and for rectifying a mistake in the said act; and for allowing further time to the receivers of certain aids, for setting insuper for monies in arrear; were named, appointed, or authorized to be commissioners for putting in execution the same act, within the several shires or stewartries of Scotland, or such of them who have qualified or shall qualify themselves according to the laws of Scotland in that behalf, shall be commissioners for ordering, raising, and levying the supplies in Scotland by this act granted, in and for the same shires and stewartries respectively; which said commissioners shall put in execution this present act, and the powers therein contained, within and for the same shires and stewartries respectively; and the said commissioners have hereby power to choose their own clerk, and to do every thing concerning the said supply, as is prescribed and appointed by the cels act of the sixth of November, one thousand seven hundred and six, and other acts made in any former parliament of Scotland, to which the said act of the sixth of November, one thousand seven hundred and six, doth relate, holding the same as if therein repeated.

CXXVI. And it is hereby further enacted, That execution shall be done in Scotland for bringing in the said supply, to be raised there, as is provided by the same acts in all points not altered by this act; and that the first meeting of the said commissioners of shires in Scotland shall be at the respective head burghs thereof the thirtieth day of April, one thousand seven hundred and sixty one; and that the sheriffs and stewarts, or their deputies, do intimate the same to the said commissioners of their shires and stewartries; with power to the said commissioners to appoint the subsequent diets of their meetings, and their conveners, from time to time; as also to appoint collectors, with such caution as they shall think fit.

And execution to be done as by the said acts.
First meeting to be at the head burghs on 30 April, 1761.

CXXVII. And be it further enacted by the authority aforesaid, That all clauses contained in former acts of parliament of Scotland, and convention of estates there, in relation to the bringing in of the cels, and outtuing, and touching riding-money, shall stand in full force, as to the supply now imposed upon Scotland, as if they were herein expressed, and as they were observed before the making this act.

All clauses in former acts relating to the bringing in the cels, &c. to be in full force.

CXXVIII. And it is hereby declared, That no person, whether heretor or collector, liable in payment of the said supply to be raised in Scotland, shall be holden to produce the receipts and discharges of the same, after three years from the respective terms of payment, unless diligence be done therefore by denunciation within the said three years; in which case of diligence by denunciation, one year farther is only added to the said three years; and none shall be holden to produce receipts or discharges thereafter.

No persons in Scotland holden to produce their receipts after 3 years.

CXXIX. And because by the supply hereby granted to be raised in
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Debtor owing money in Scotland at 6 per cent. to retain a 6th part of 6 per cent. from 11 Nov. 1760, to 11 Nov. 1761.

47,954l. 1s. 2d. to be raised free of all charges,

and to be paid at Edinburgh.

No person to be a commissioner of the land tax, in Scotland, who is not enfeoffed of 100l. Scots per ann. real rent, in the county where he acts.

Exception.

Scotland, the lands, rents, and burghs there are only burthens, and it being reasonable that the personal estates in money shall bear some proportional burthen; be it further enacted by the authority aforesaid, That every debtor owing money in Scotland, at six pounds per centum interest, shall, in the payment of his annual rents, have retention in his own hands of a sixth part of six per centum, and this retention to be from the eleventh day of November, one thousand seven hundred and sixty, to the eleventh day of November, one thousand seven hundred and sixty one; and it is hereby declared, That it shall be usury for any creditor to refuse to grant the said retention there.

CXXX. And it is hereby declared and enacted by the authority aforesaid, That the said sum of forty seven thousand nine hundred fifty four pounds, one shilling, and two pence, shall be raised in Scotland, in the respective shires, stewartries, cities, and boroughs, free of all charges to his Majesty, and shall, in like manner, be paid, & the city of Edinburgh, to such person or persons as the commissioners of the treasury, or the high treasurer of Great Britain for the time being, shall constitute and appoint to be receiver-general or receivers thereof for his Majesty's use; which said general receiver or receivers shall be answerable and accountable for the same to his Majesty in the exchequer.

CXXXI. Provided nevertheless, That no person appointed by this act to be a commissioner for executing the several powers and things herein enacted, within any county or stewartry in that part of Great Britain called Scotland, shall be enabled or capable to be a commissioner of the land tax, or for executing the several powers and things herein enacted, who is not enfeoffed in superiority or property, or possessed as proprietor or life-renter of lands valued in the tax roll of the county or stewartry where he acts, to the extent of one hundred pounds Scots per annum, excepting the eldest sons and heirs apparent of persons who are so enfeoffed of lands to the extent and of the valuation aforesaid; and that every person, who shall take upon him to act as a commissioner for executing any of the powers or things in this act contained, within any county or stewartry in Scotland, without being enfeoffed in superiority or property, or in the possession of lands in such county or stewartry, of the aforesaid value or extent, or without being eldest son and heir apparent of a person so enfeoffed, or in possession, shall forfeit the sum of twenty pounds sterling for every such acting; to be recovered by action, complaint, or petition, in a summary way, at the suit of any heretor within the said county or stewartry before the county or Stewart court, or before the lords of session in Scotland; and that in case of any such suit or complaint entered before any of the courts aforesaid, the person complained of shall be obliged to prove that he is enfeoffed, or in possession, or is son and heir apparent of a person so enfeoffed, or in possession of an estate in superiority or property, within the county where he hath taken upon him to act, of the aforesaid value or extent, or otherwise shall forfeit the said penalty of twenty pounds sterling, without any proof or evidence to be brought

brought on the plaintiff's part, other than that the person complained of had taken upon him to act as commissioner for executing the several powers and things in this act contained.

CXXXII. Provided always, That all and every person appointed by this act to be a commissioner for executing the several powers and things herein enacted, in that part of *Great Britain* called *Scotland*, shall, before his acting as a commissioner in the execution of this act, or any the powers therein contained, take and subscribe the oaths of allegiance and abjuration, and subscribe the assurance appointed by law to be taken and subscribed by persons in offices of publick trust in *Scotland*, upon pain of forfeiting the sum of twenty pounds sterling; which oaths it shall and may be lawful for any two or more of the said commissioners to administer, and they are hereby required to administer the same accordingly.

Commissioners in Scotland to take the oaths, and subscribe the assurance.

CXXXIII. Provided nevertheless, That any provost, ballie, dean of guild, treasurer, master of the merchants company, or deacon convener of the trades for the time being of any royal borough, and any ballie for the time being of any borough of regality, or barony, herein named or appointed a commissioner for putting this act in execution in any county or stewartry, shall be capable of acting as a commissioner for such county or stewartry; and that it shall not be lawful to or for the court of session, or any other courts or magistrates in *Scotland*, to grant, by suspension, or otherwise, any stay or stop to the bringing in of the said supply, by quartering, according to the proportions settled and ascertained by the aforesaid commissioners for the several shires, and by the royal burghs, according to their usage and practice; any thing herein contained to the contrary notwithstanding.

Provost, &c. of any royal borough may act as a commissioner.

CXXXIV. Provided always, and it is hereby further enacted by the authority aforesaid, That it shall and may be lawful to and for any person or persons, natives and foreigners, bodies politick or corporate, to advance or lend to his Majesty, at the receipt of his Majesty's exchequer, any sum or sums of money, not exceeding in the whole the sum of two millions, upon the credit of the said several rates, assessments, and sums of money, by this act granted, to be raised in the several parts of *Great Britain* as aforesaid; and such other monies as are by this act appointed for repaying the same, with the interest thereof; and to have and receive for the forbearance of the money lent, interest after a rate not exceeding four pounds *per centum per annum*, so as such loans be allowed to be made by the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose, as fast as such loans shall be wanted for the publick service: and moreover, that no money so to be lent upon the security of this act, shall be rated or assessed by virtue of this act, or any other act of parliament whatsoever.

Clause of loan at 4l. per cent.

CXXXV. And be it further enacted, That all and every

Tallies of loan to be person struck, &c.

Orders regi-
stered and paid
in course.

Penalty for
undue pre-
ference.

person and persons, who shall lend any money upon the credit of this act, as aforesaid, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his, her, or their repayment, bearing the same date with his, her, or their tally; in or upon which order shall be also contained a warrant for the payment of interest for the forbearance thereof, at a rate not exceeding the said rate of four pounds *per centum per annum*, and to be paid every three months, until the repayment of the principal; and all such orders for repayment of money, so to be lent, shall be registered in course according to the dates respectively; and that all and every person and persons shall be paid in course, according as their orders shall stand registered in the said register books, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, who shall have his, her, or their order or orders first entered in the said books of register, shall be taken and accounted to be the first person or persons to be paid out of the monies to come in by virtue of this act; and he, she, or they, who shall have his, her, or their order or orders next entered, shall be taken and accounted to be the second person to be paid, and so successively and in course; and that the monies to come in by virtue of this act, of or for the said several rates and assessments to be raised in *Great Britain*, as aforesaid, shall be in the same order liable to the satisfaction of the said respective persons, and body or bodies politick or corporate, their executors, administrators, successors, or assigns respectively, without any undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, shall be demanded or taken of any of his Majesty's subjects, for providing or making any such books or registers, or any entries, views, or searches, in or for payment of money lent, or the interest thereof, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also; and if any undue preference of one before another shall be made either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with full costs of suit, to the party grieved, and shall be forejudged of his place or office; and if such preference shall be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall for ever be incapable of his place or office; and in case the auditor of the receipt shall not direct the said orders of loan, or the clerk of the pells record, or the tellers make payment upon such order, according to each person's due place and order, as before directed; then he or they shall be adjudged to forfeit, and

the respective deputies and clerks, therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid: all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no essoin, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

CXXXVI. Provided always, and it is hereby declared, That if it shall happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference, which of those be entered first, so as he enters them all the same day: No undue preference, where tallies are dated or brought the same day:

CXXXVII. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons who did not come to take their monies, and bring their orders in course; so as there be so much money reserved as will satisfy precedent orders; which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them. Nor if subsequent orders be paid before such as were not demanded in course.

CXXXVIII. And be it further enacted, That all and every person and persons to whom any money shall be due for loans to be registered by virtue of this act, after order entered in the book of register aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed and written on his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit of such order, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee, his executors, administrators, successors, and assigns, to the benefit thereof, and payment thereon; and such assignee may, in like manner, assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any monies thereby due, or any part thereof. Orders assignable.

CXXXIX. And, to the end there may be no want or failure of a certain sum, not to exceed in the whole two millions, to be raised, either by such loans as aforesaid, or by issuing exchequer bills, as is herein after-mentioned, or by both or either of those ways or means, for the publick service; be it further provided and enacted by the authority aforesaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury Commissioners of the treasury empowered to prepare any number of

one common sum, or different sums, in the principal monies.

for the time being, shall judge it advisable to raise the said sum of two millions, or any part thereof, by exchequer bills, instead of such loans as aforesaid, then they respectively are hereby authorized and empowered at any time or times, at once, or by such proportions at a time, as they respectively shall find to be most for the advantage of the publick, to prepare and make, or cause to be prepared and made, at the exchequer, in such method and form as they or he shall think most safe and convenient, any number of new exchequer bills, containing one common sum, or different sums, in the principal monies, so that in case there shall be no loans made, then all the principal sums to be contained in the said bills to be made forth by this act, shall not exceed two millions; and in case any such loans shall be made as aforesaid, then all the principal sums to be contained in the said bills to be made forth by this act, together with such loans so made, shall not exceed the said sum of two millions.

Bills to bear interest at 4l. per cent. per ann.

CXL. And be it further enacted by the authority aforesaid, That the said bills to be prepared and made in pursuance of this act, shall and may bear an interest not exceeding the rate of four pounds *per centum per annum*, and proportionably for any greater or less sum to be contained therein, and to be payable to the bearer thereof respectively; nevertheless the said interest shall be abated and saved upon such of the said bills to be made forth by this act, as shall at any time or times be in the receipt of the exchequer, or in the hands or power of any receivers or collectors of any taxes, aids, or revenues whatsoever, payable to his Majesty, his heirs, and successors, during such time and times respectively, as such bills shall be or remain in the said receipt, or in such hands or power as aforesaid.

These bills to be numbered arithmetically.

CXLI. And it is hereby enacted, That all the said bills, so to be prepared and made, shall be numbered arithmetically, beginning with N^o I. and so proceeding in an arithmetical progression ascending, wherein the common excess or difference shall always be one, and shall be registered accordingly, so that the principal sum to be contained in every such bill (after repayment of the loans which shall have been made as aforesaid, if any such be, with the interest thereof, or reserving money sufficient for that purpose) may regularly be paid off, and discharged in course, according to the number of every such bill, as it shall stand in the said register; and that the interest upon all and every the said bills shall be payable every three months, according to the purport and true meaning of this act; and that upon every such bill there shall be indorled, printed, or written, in words at length, or in figures, the sum, after which the principal to be contained therein shall be payable in such course, as aforesaid, according to the purport and true meaning of this act.

Treasury to direct the course of payment for loans or exchequer bills,

CXLII. Provided always, and be it enacted by the authority aforesaid, That in case the said sum, not exceeding two millions, shall be raised partly by loans, and partly by exchequer bills, according to the powers before given by this act; that then, and in such case, it shall and may be lawful to and for the commissioners

tioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, when and as often as they shall, by virtue of the said powers, direct any such loans to be taken, or any such exchequer bills to be made out, at the same time also to direct and appoint the course and order in which such loans or exchequer bills shall stand upon the said register, and after what time they shall respectively begin to be payable in course, out of the monies arising by this act, so as no such subsequent loans or exchequer bills be made to alter the course at first appointed for prior loans or exchequer bills, at the time of taking in, or making out, such prior loans or exchequer bills; anything herein before contained to the contrary in any wise notwithstanding.

CXLIII. And it is hereby further enacted, That all the said bills shall be prepared and made with such cheques, indents, or counterfoils, as shall be directed by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for time being; and that the person or persons, who is, are, or shall be appointed to pay off the said bills in course, shall, from time to time, have the use and custody of one part of all the cheques, indents, or counterfoils of the said exchequer bills, to be prepared and made by virtue of this act, from which the said bills shall have been cut, to prevent his or their being imposed upon by counterfeit or forged bills; and that the undertakers or contractors for exchanging or circulating the said bills, or such of them as shall be current, shall, from time to time, have the use and custody of one other part of all the said cheques, indents, or counterfoils of the said exchequer bills, from which the same shall have been cut off, as aforesaid, in order to prevent their being imposed upon by any counterfeit or forged bills; and that all the said parts of the said cheques, indents, or counterfoils, shall be delivered back into the exchequer when the said bills to be made forth by virtue of this act shall be paid off, cancelled, and discharged.

CXLIV. And it is hereby enacted, That the commissioners of the treasury, or any three or more of them now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall, and they are hereby respectively authorized and empowered to cause such bills as shall be prepared by virtue of this act, to be placed as so much cash in the respective offices of the tellers of the said receipt of exchequer, each and every of which tellers shall be severally charged with the proportion of the said bills, which shall be so placed in his office respectively.

CXLV. And it is hereby also enacted and declared, That the said bills in the hands of the said tellers shall be locked up and secured as cash, according to the course of the exchequer; and shall be taken and esteemed as so much in part of the remains in real money wherewith each of the said tellers shall, from time to time, stand charged, and shall, in common with other the mo-

and to appoint
cheques, &c.

The bills to
be placed as
cash in the ex-
chequer.

and to be issu-
able thereout
in common
with other
monies,

gies in the said exchequer, be issuable and reissuable thereout, to any person or persons desiring to receive the same, for and in lieu of so much money as the principal sums contained in the said bills, with the interest due thereon at the time of such issuing or reissuing thereof, shall amount unto; any law or usage to the contrary notwithstanding.

and to be current in the revenue.

Receivers to exchange bills for ready money.

CXLVI. And be it further enacted by the authority aforesaid, That all and every the said exchequer bills to be made forth by virtue of this act, or so many of them as shall, from time to time, remain undischarged and uncanceled, shall and may be received and taken, and shall pass and be current to all and every the receivers and collectors in *Great Britain* of the customs, excise, or any revenue, supply, aid, or tax whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to his Majesty, his heirs, and successors, and also at the receipt of the exchequer, from the said receivers or collectors, or from any other person or persons, bodies politick or corporate whatsoever, making any payments or loans there to his Majesty, his heirs, and successors, for or upon any account, cause, or occasion whatsoever, according to the purport and true meaning of this act; and that such of the same bills as shall be received at the exchequer, shall and may be locked up and secured as cash, according to the course of the exchequer, stiled and established by law, for locking up and securing monies received in specie there; and that all and every the receivers and collectors in *Great Britain* of the customs, excise, or any revenue, aid, tax, or supply whatsoever, already granted, due, or payable, or which shall or may hereafter be granted, due, or payable, to his Majesty, his heirs, and successors, shall, and they are hereby directed and required, out of any current coined money, as shall then be in his or their hands, of such revenue, aid, tax, or supply, to pay such of the same bills as shall be brought to them respectively, by any person or persons desiring to have money for the same: and in case any such receiver or collector shall refuse or neglect to exchange such bill or bills for ready money, for the space of twenty four hours, then the person or persons demanding the same, shall and may bring an action of debt, or on the case, for the principal and interest money due upon such bill or bills, against such receiver or collector, having money in his hands as aforesaid; in which action the plaintiff shall or may declare, that such receiver or collector is indebted to the plaintiff in the money demanded upon every such bill, according to the form of the statute, and hath not paid the same, which shall be sufficient; and the plaintiff in every such action shall recover against the receiver or collector, not only the monies so neglected or refused to be paid, but also his full costs of suit; and such receiver and collector shall be subject or liable thereunto; and in such action no effoin, protection, privilege, or wager of law, shall be allowed, or more than one imparlance; and upon payment of the monies so

so to be recovered, the plaintiff, his executors, or assigns, shall deliver up such bills to the defendant, his executors, or assigns.

CXLVII. And be it further enacted, That as any of the said bills shall at any time or times hereafter within the respective times, during which they shall be current pursuant to this act, be paid or lent into the exchequer, by any of his Majesty's receivers, or other person or persons, bodies politick or corporate, making any payments or loans at that receipt, the officers there shall cause tallies to be levied, and delivered to the payers or lenders, as amply and effectually, to all intents or purposes, as if they had made such payments or loans in specie.

Tallies to be levied for bills lent into the exchequer.

CXLVIII. And be it enacted by the authority aforesaid, That the interest which shall, from time to time, be due upon any of the bills to be current as aforesaid, shall be allowed to all persons, bodies politick and corporate, paying the same to any receiver or collector, receivers or collectors, of any of his Majesty's revenues, aids, taxes, or supplies, or by way of exchange as aforesaid, to the respective days whereupon such bill or bills shall be so paid, exchanged, or lent.

Interest to continue till payment.

CXLIX. Provided always, That no interest shall run, or be paid upon or for any such bill or bills, during the time any such bill or bills so paid, exchanged, or lent, shall remain in the hands of any of the said receivers or collectors, or in the hands of any teller or tellers of the exchequer; but for such time the interest on every such bill shall cease.

Interest to cease whilst the bills are in the hands of receivers, &c.

CL. And, to the end it may be known for what time such bills bearing interest shall, from time to time, remain in the hands of such receivers or collectors or in the exchequer as aforesaid; be it further enacted by the authority aforesaid, That the person or persons, who shall pay any such bill or bills so bearing interest, to any receivers or collectors of any of his Majesty's revenues, aids, taxes, and supplies, by way of exchange, or otherwise; or shall pay or lend such bill or bills, so bearing interest, into the exchequer as aforesaid, shall, at the time of making such payment, exchange, or loan, on each bill bearing interest, and so paid, exchanged, or lent, put his or their name or names, and write thereupon, in words at length, the day of the month and year, in which he, she, or they so paid, exchanged, or lent such bill or bills bearing interest; all which the said receivers and collectors respectively, and also the respective tellers in the exchequer, shall take care to see done and performed accordingly; to which respective days the said receivers and collectors shall be allowed again the interest, which he, she, or they shall have allowed or paid upon such respective bill or bills, upon his or their paying the same into the receipt of exchequer as aforesaid.

Bills paid to receivers, &c. to be signed and dated.

Interest to be allowed to the said days.

CLI. Provided also, and be it further enacted by the authority aforesaid, That the said bills, or any of them, may be reissued and paid again out of his Majesty's exchequer; and when the same shall be reissued and paid again out of his Majesty's exchequer, the respective teller there, from whose office such bill or bills bearing interest shall be so reissued, or again paid

The bills may be reissued,

paid out, shall indorse on the same bill or bills so reissued, in words at length, the day of the month and year, in which the same were reissued or repaid out of the exchequer, and also on what account the same were last received into the exchequer, and sign the same; from which time the interest of such bill or bills so reissued or paid again shall revive; and such bill or bills shall revive, run, and pass at interest, as the same did before they were paid unto, or received by the said receivers or collectors, or before the same were paid or lent into the exchequer, as aforesaid.

both for principal and interest.

CLII. And it is hereby enacted, That the same bills to be reissued, from time to time, or at any time, at the exchequer, as aforesaid, shall be so reissued for the principal money to be contained therein, and for so much interest as was due thereon, and allowed by the teller at the respective time and times, when such bill and bills were last paid into the exchequer.

Receivers to keep a book.

CLIII. And be it enacted, That every receiver general of any the revenues, aids, taxes, or supplies, belonging or to belong to his Majesty, his heirs, and successors, shall keep a fair book or books of account in writing of all the monies by him received; in which he, or his deputy or deputies, shall truly enter all the sums which shall have been received by him or them, for every such revenue, aid, tax, or supply, together with the names of the several collectors from whom the same, or any part thereof, was received, the days when, and the sums paid, how much thereof in money, and how much thereof in such exchequer bills, and what exchequer bills shall have been exchanged by every such receiver general, pursuant to this act; to which account every person concerned shall have free access at all seasonable times, without fee or charge; and the said accounts shall lie constantly open at one certain place within the limits of his receipt for that purpose; and if such receiver shall neglect to keep such book or books, or enter therein any sum or sums of money by him received and paid as aforesaid, by the space of three days after his receipt or payment of the same, or shall refuse any person or persons concerned to inspect such book or books without fee or reward as aforesaid; every such receiver, for every such offence, shall forfeit the sum of one hundred pounds to any person or persons who will sue for the same, to be recovered by action of debt, or upon the case, bill, suit, or information, in any of his Majesty's courts of record at *Westminster*; wherein no esoin, protection, privilege, or wager of law, shall be allowed, or more than one imparlance.

Bills filled up by indorsements, or defaced to be exchanged.

CLIV. Provided always, and it is hereby enacted by the authority aforesaid, That in case any of the exchequer bills which shall be current as aforesaid, shall be filled up by writing or indorsement made thereon as aforesaid, or shall by any accident be defaced, it shall and may be lawful for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and he and they are hereby authorized and im-

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impowered, by his or their discretion, from time to time, to cause new bills to be made forth at the receipt of exchequer, in lieu of such bills which shall be so filled up or defaced; which bills so filled up or defaced shall be cancelled at the receipt of exchequer, and kept there on a file or files for that purpose; and such bills so to be made forth in lieu thereof, shall have a like currency, and shall in all respects be subject to the same rules, methods, and continuance, as the bills so filled up were intended to have been by this act, and shall bear the same numbers, dates, and principal sums, and carry the like interest, as was borne and carried by the bills so cancelled respectively.

CLV. And it is hereby enacted, That, for the greater ease and dispatch of publick business at the exchequer, it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, and he and they are hereby authorized and enabled, in case he or they shall so think fit, to cause exchequer bills for any large sums, not exceeding five thousand pounds each, to be made forth at the receipt of the exchequer, and to be placed as cash in the said receipt, in lieu of the like value of the principal contained in the said exchequer bills made forth for lesser sums, which at the time of making such large bills shall happen to be in the same receipt, which shall be at the same cancelled and discharged, and be kept there on a file for that purpose; and such new bills for such large sums shall and may be issued at the said receipt, and have the same currency, and be in all respects subject to the same rules, methods, and continuance, and carry the like interest, and have the same security, benefits, and advantages; and the same pains of death, and other pains, penalties, and forfeitures, for any crime or offence relating thereunto, shall be inflicted, incurred, and put in execution, as if they had been originally issued by virtue of this act for the said lesser bills; any thing herein contained to the contrary notwithstanding.

Bills not exceeding 5000l. each, to be made forth at the exchequer.

CLVI. And it is hereby enacted by the authority aforesaid, That if any person or persons shall forge or counterfeit any exchequer bill which shall have been made forth by virtue of this act, before the same shall be paid off and cancelled, or any exchequer bills to be renewed or made forth in pursuance of this act, or any indorsement or writing thereupon or therein, or tender in payment any such forged or counterfeit bill, or any exchequer bill with such counterfeit indorsement or writing thereon, or shall demand to have such counterfeit bill, or any such exchequer bill, with such counterfeit indorsement or writing thereupon or therein, exchanged for ready money, by any person or persons, body or bodies politick or corporate, who shall be obliged or required to exchange the same, or by any other person or persons whatsoever, knowing the bill so tendered in payment, or demanded to be exchanged, or the indorsement or writing thereupon or therein, to be forged or counterfeit, and with intent to defraud his Majesty, his heirs, and successors, or the persons to be appointed to pay off the same, or any of them, or to pay any

Forging exchequer bills felony.

in-

interest thereupon, or the person or persons, body or bodies politick or corporate, who shall contract to circulate or exchange the same, or any of them, or any other person or persons, body or bodies politick or corporate; then every such person or persons so offending, being thereof lawfully convicted, shall be adjudged a felon, and shall suffer as in cases of felony without benefit of clergy.

How the monies arising by this act shall be applied.

CLVII. *And to the end, intent, and purpose, that all the monies to be lent at the exchequer, on the credit of this act, within the time before limited in that behalf, not exceeding as aforesaid, may be duly repaid, and the interest thereof justly satisfied at the said receipt, and that all the exchequer bills to be made forth by virtue of this act, not exceeding as aforesaid, may likewise be paid off and discharged in their due course and order at such publick office, as is hereafter in and by this act appointed in that behalf; and to the end the same bills, or so many of them as shall from time to time remain undischarged, may the better obtain a currency for such time as they or any of them are hereby intended to be current; be it therefore enacted by the authority aforesaid, That the money which shall from time to time arise at the receipt of the exchequer, of or for the aids, taxes, or assessments, by this act granted, shall, from time to time, as the same shall arise at the said receipt, be issued and applied at the same receipt either for or towards paying off and discharging the orders of loan, for the money which shall have been lent at the said receipt, within the time herein before limited in that behalf, and for satisfying the interest thereof, in such course, manner and form, as are before in this act prescribed and appointed for that purpose, or be issued to such paymaster as is herein after mentioned, by way of imprest and upon account, for or towards paying off and discharging the exchequer bills which shall have been made forth by virtue of this act, in such course as aforesaid, and for and towards paying the interest quarterly to become due on the said bills, and for or towards the charge of exchanging and circulating the same bills, or any of them, and for or towards such other payments as are in and by this act directed or allowed to be made or discharged out of the same, and for no other use, intent, or purpose whatsoever.*

29 Sept. 1762
to take an account of all monies raised and discharged.

CLVIII. *And be it further enacted by the authority aforesaid, That on the twenty ninth day of September one thousand seven hundred and sixty two, or within ten days after, the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall cause a true and perfect account in writing to be taken and attested by the proper officers, of all the monies which shall have been raised by loans, or by exchequer bills, or by any or either of those ways or means, for or towards the said sum, not exceeding two millions, by this act intended to be raised as aforesaid, and how much thereof shall before that time have been paid off or discharged, and how much thereof shall then remain undischarged, upon the said orders of loan and exchequer bills respectively, or upon any or either*

ther of them; which account shall be publickly affixed in the office of the auditor of the receipt in the said exchequer.

CLIX. And it is hereby enacted and declared by the authority aforesaid, That the monies so remaining unsatisfied, or not discharged, with the interest due or to grow due for the same, shall be paid and satisfied out of the next aid or aids to be granted in parliament, after the said twenty ninth day of *September* one thousand seven hundred and sixty two, and shall be transferred thereunto, as soon as such aid or aids shall be granted; and if no such aid or aids shall be granted, whereunto such unsatisfied monies shall be transferred, before the twenty fourth day of *March*, one thousand seven hundred and sixty three, then the monies so remaining unsatisfied and undischarged, with the interest due or to grow due for the same, shall be and are hereby charged and chargeable upon such monies, as at any time or times shall be and remain in the same receipt of the surplusses, excesses, overplus monies, and other revenues composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) any such monies of the said sinking fund shall and may be issued for the paying off and discharging the said orders of loan, and for satisfying the interest thereof, and for supplying money to the said pay-master, for discharging the said unsatisfied exchequer bills in course, with interest remaining due thereupon, as the said commissioners of the treasury, or the high treasurer for the time being, shall direct, until all the principal and interest, which shall be or remain due upon the said loans or exchequer bills, or any of them, shall be fully cleared and paid off, or money sufficient shall be reserved for that purpose; and if at any time or times before or after any of the said aids, taxes, or assessments hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying interest, which shall be actually incurred and grown due upon the said loans or exchequer bills, or any of them, or for payment of any premium or rate, which shall be incurred and grown due by any contract or contracts to be made by virtue of this act, for circulating and exchanging the same bills; that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said fund, commonly called *The Sinking Fund* (except before excepted) and be issued accordingly.

Unsatisfied monies to be paid out of the next aid,

or out of the sinking fund.

CLX. And whereas by reason of the multiplicity of payments, which are to be made in paying off such exchequer bills as shall be made forth by virtue of this act, and otherwise in relation to the same, it will be difficult, if not impossible, that every particular payment should be directed, recorded, paid, and accounted for, by the several officers of the receipt of the exchequer, in the ordinary course of payments there used; therefore, and to the end the exchequer may regularly be discharged of all the monies required by this act to be applied for paying off the said exchequer bills, and other charges attending the same, be it enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them

Commissioners to appoint persons to pay

now

off principal
sums which
shall from time
to time be in
course of pay-
ment upon ex-
chequer bills.

now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall and may, from time to time, by writing under his or their hand or hands, constitute and appoint such person and persons as he or they shall think fit, to be the paymaster to pay off and discharge the principal sums which shall, from time to time, be in course of payment upon the said exchequer bills, or any of them, and to pay the interest quarterly to become due thereupon, until they shall be paid off and discharged; and to pay the premium or premiums, rate or rates, which, according to any contract or contracts to be made, as is herein after mentioned, for exchanging and circulating the said bills, or any of them, shall be due or payable to such contractors; and to take in and put upon a file, from time to time, all such of the said bills, as shall be paid off, to be cancelled, as the commissioners of the treasury, or the high treasurer, or commissioners of the treasury for the time being, shall direct; and to do and perform, or cause or procure to be done and performed, such other matters and things in relation to the said bills, or the principal and interest therein to be contained, as to the said commissioners of the treasury, or any three or more of them now being, or to the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall seem meet, and be directed to be done and performed by such paymaster for the time being; all which payments shall be paid by such paymaster, from time to time, at an office to be kept in or near the receipt of the exchequer at *Westminster* for that purpose; and that the commissioners of the treasury, or any three or more of them now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall take, or cause to be taken, security, according to the best of his or their judgements, from all and every such person and persons so constituted, or to be constituted, for his or their due paying, answering, and accounting for all the said monies which he or they shall receive, and for his and their true and faithful performance of his or their office or offices, trust or trusts, before mentioned.

Money as
brought in, to
be paid to the
paymasters.

CLXI. And be it further enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them now being, and the high treasurer, or any three or more of the commissioners of the treasury for the time being, once in every week, or oftener, as any of the money by this act appointed or intended to be applied for or towards paying off the said exchequer bills, or discharging any other the payments relating thereunto, according to the purport and true meaning of this act, shall be, or be brought into the exchequer, or be or remain there, shall, without any further or other warrant to be sued for, had, or obtained from his Majesty, his heirs, and successors, in that behalf, issue, or cause to be issued, the same to such paymaster or paymasters already constituted or to be constituted as aforesaid, by way of imprest and upon account for or towards the paying off and discharging the said exchequer bills

in

in such course as aforesaid, and such other payments relating to the said exchequer bills as are to be made by such paymaster or paymasters as aforesaid; and that he or they shall, from time to time, apply all the monies by him or them so to be received as he or they shall receive the same, from time to time, towards discharging the said bills in course, and other payments hereby directed and allowed, according to the purport and true meaning of this present act, and not otherwise.

CLXII. And be it further enacted by the authority aforesaid, That all the said bills to be made forth by virtue of this act, shall be registered in course, according to their numbers, as aforesaid; and that the said registers shall lie open in the publick office of the said paymaster for the time being; and a table, to shew how far the said bills shall be in course of payment, from time to time, shall be publickly affixed in the said office; and that such register and table, or either of them, shall or may be viewed or inspected, at any seasonable time or times, by any person or persons desiring to view or inspect the same, without fee or charge; and that the said bills shall be paid off and discharged in course, according as their numbers shall stand in the said register; and the monies by this act appointed for payment of the same, shall, in the same order, be liable thereunto, without giving any undue preference, in paying any bill or bills of any subsequent number or numbers, before any bill or bills of any antecedent number or numbers, and shall not be diverted or divertable to any use, intent, or purpose whatsoever, other than the uses and purposes by this act appointed for application of the same: nevertheless, in case it shall happen that several bills in course of payment shall on the same day be brought, and demanded to be paid off, it shall not be interpreted an undue preference which of them the paymaster or paymasters do pay first, so as he or they do pay them all the same day; and it shall not be interpreted an undue preference to incur any penalty in point of payment, if the paymaster or paymasters do pay off the bills to the persons that bring their bills, and demand their money in course, before others that do not bring their bills, and demand their money in course, so as such money be reserved as will satisfy precedent bills, which shall not be otherwise disposed of, and kept for them.

CLXIII. And it is hereby enacted, That the interest upon the said bills shall cease from the respective times that money shall be reserved and kept in bank for discharging the same.

CLXIV. And be it enacted by the authority aforesaid, That the said paymaster or paymasters shall be subject and liable to such inspection, examination, controul, and audit, and to such rules in respect to paying, accounting, and other matters relating to the execution of the said office or trust of paymaster, as the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall think fit or reasonable to establish or appoint, from time to time, for the better

The bills to be registered in course.

When interest to cease.

Paymasters liable to the controul of the treasury.

better execution of the intent and end of this act, to the satisfaction of the proprietors of the said bills.

Treasury to
settle salaries
of clerks, &c.

CLXV. And be it enacted by the authority aforesaid, That as well the person or persons constituted or to be constituted to the said office of paymaster, as also the person or persons appointed or to be appointed to examine and controul the receipts, payments, and doings of such paymaster or paymasters, shall respectively have and receive for the services of themselves respectively, and of the clerks and substitutes to be employed under them respectively, and for such charges as shall be necessarily incident to the execution of their respective offices, such salaries, rewards, and allowances, as the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge to be reasonable, and direct in that behalf, and to be allowed upon the proper account or accounts of the said paymaster or paymasters.

and to con-
tract with per-
sons to circu-
late bills, &c.

CLXVI. And, for the better supporting the currency of the said bills to be made forth by this act, and to the end a sufficient provision may be made for circulating and exchanging for ready money, from time to time, the said bills, or such of them as shall, from time to time, remain undischarged, during such time as they, or any of them, are to be current, be it further enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, on his Majesty's behalf, shall and may, from time to time, enter into any contract or contracts, for obliging any person or persons, body or bodies politick or corporate, who will voluntarily undertake this service, at his or their own costs or charges, to circulate and exchange, at some publick office in *London* or *Westminster*, for ready money, from time to time, all such of the said bills, which shall have been made forth by virtue of this act, as shall be demanded at such publick office, during the time or respective times of such contract or contracts by paying in ready money, at their own costs and charges, upon every such demand, or within twenty four hours after, all the principal monies contained in every such bill to be demanded, and the interest which shall then be due thereupon, and so *toties quoties*, as often as any such bill shall be demanded; the said contractors or undertakers from time to time, upon exchanging every such bill, taking in the bill so exchanged for their own use, and being allowed a rate, or several rates, not exceeding four pounds *per centum per annum*, as well for paying the said interest, at their own costs, as also in reward for their service, upon all the said bills so undertaken to be circulated; which said respective rate or rates shall be paid as is herein after mentioned; and the said contract or contracts shall be made in writing, and registered in the office of the auditor of the receipt of his Majesty's exchequer, and shall be made to endure

endure for such time and times respectively, as shall be agreed by the contractors.

CLXVII. And it is hereby enacted, That such contractors, or any of them, shall not, for that cause only, be disabled from being a member or members of parliament, or be adjudged liable to be a bankrupt or bankrupts, within the intent and meaning of all or any the statutes made against or concerning bankrupts; any law, statute, or provision to the contrary notwithstanding.

Contractors not disabled from being members of parliament: nor liable to be bankrupts.

CLXVIII. Provided always, and be it enacted by the authority aforesaid, That such contractors (with the consent and approbation of the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, and not otherwise) may, at any time or times after the twenty fourth day of *June*, one thousand seven hundred and sixty one, by writing to be affixed upon the exchange of *London*, and by publication in the *London Gazette*, declare and direct, if they shall so see cause and think fit, the said bills to be made forth by virtue of this act, or any number or part of them, to carry a lower or higher rate of interest, than the said rate of four pounds *per centum per annum*, for such time or times as shall be mentioned in such writing and publication, as aforesaid: and for the greater accommodation and ease of paying the said bills to be made forth by virtue of this act, or any of them, to the receivers and collectors of the publick revenues, and into the receipt of the exchequer, the said commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, have hereby power, at the request of such contractors, to make forth, or cause to be made forth, any of the said exchequer bills without bearing any interest; yet nevertheless those bills so to be made forth without bearing any interest, may, from time to time, be made to carry such interest as the said contractors shall, by writing to be affixed on the exchange of *London*, and published in the *London Gazette*, signify and declare in that behalf.

may lower or raise the interest with consent of treasury.

CLXIX. And it is hereby enacted by the authority aforesaid, That the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall cause the monies which shall, from time to time, be incurred and grown due to such contractors, upon such respective rates or premiums, not exceeding as aforesaid, to be paid out of the monies which shall, from time to time, be issued to the said paymaster or paymasters, as aforesaid; any former law or statute to the contrary notwithstanding.

Contractors how to be paid.

CLXX. And it is hereby enacted by the authority aforesaid, That no fee, reward, or gratuity, shall be demanded or taken, directly or indirectly, by any of his Majesty's officers in the exchequer, or by any of their clerks or substitutes, or by any such paymaster or comptroller, or by their or either of their clerks or

No fee to be taken.

substitutes, from any of his Majesty's subjects, for any matter or thing to be done by the said officers in the exchequer, or by the said paymaster or comptroller, or any of them, their, or any of their clerks or substitutes respectively, in pursuance of this act; and that no such officer in the exchequer, paymaster, or comptroller, or any such clerk or substitute, shall divert or misapply, or cause or procure to be diverted or misapplied, any of the monies by this act intended for the exchanging, circulating, and paying off the said bills, or any of them, under such penalties and forfeitures to be incurred by, and inflicted on them respectively, as by this act are prescribed and enacted for diverting and misapplying any the monies of the said aids, taxes, or assessments, hereby granted, or for taking or demanding any fee, reward, or gratuity concerning the same.

No interest for less than one penny.

CLXXI. Provided always, and it is hereby enacted, That as often as any interest upon any exchequer bill or bills to be made forth by this act, shall be demanded to be paid, the said contractors or paymasters shall not be obliged to pay for such interest, to any lesser sum than one penny upon such bill, in case a single bill be produced, or for the total of the interest of such bills, where two or more shall be offered at one time by the same person; any thing herein contained to the contrary notwithstanding.

Charges to be paid out of the sinking fund.

CLXXII. Provided also, and it is hereby enacted by the authority aforesaid, That the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall have power, and he or they are hereby enabled to pay and allow, or cause to be paid and allowed, out of the monies to arise of or for the said aids, taxes, or assessments, hereby granted, or of or for the said surplusses, excesses, or overplus monies, and other revenues composing the sinking fund, from time to time, the necessary charges of making forth the new exchequer bills hereby authorized to be made forth, and such other charges as shall be necessarily incident in or for the execution of this act, or any part thereof, in relation to the said bills; any thing herein contained to the contrary notwithstanding.

To be replaced out of the first supplies.

CLXXIII. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the said surplusses, excesses, or overplus monies, and other revenues composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Clause of relief for bills lost or destroyed.

CLXXIV. Provided also, and it is hereby enacted, That in case proof shall be made on oath of one or more credible witness or witnesses, before the lord chief baron and other the barons of the coif of his Majesty's court of *Exchequer*, or any of them, that any of the bills which shall have been made forth by virtue of this act, were by casualty or mischance lost, burnt, or otherwise

wise destroyed, before the coming thereof in course of payment; and if by the party's oath the numbers and sums of such bill or bills shall be ascertained; and if thereupon the said chief baron, and other the said barons, or any of them, before whom such oaths were made, shall certify that he or they are satisfied in such proof; then, and in every such case, the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, are hereby authorized to cause the money due upon such bill or bills, so lost, burnt, or destroyed, to be satisfied by the said paymaster or paymasters, as if the original bill or bills were brought in to be paid off; provided that the person or persons so receiving the money do give security to the King, to the good liking of the person or persons who shall be appointed, as aforesaid, to pay off and take in the said bills, to pay into the exchequer, for the use of the publick, so much money as shall be paid upon such certificate or certificates, if the bill or bills so certified to be lost, burnt, or destroyed, be hereafter produced.

CLXXV. Provided also, and it is hereby enacted by the authority aforesaid, That all and every the bills to be made forth by virtue of this act, which shall, from time to time, be discharged and paid off, shall be taken in and filed, and shall be cancelled and made void, according to such rules and directions as the said commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall, by any warrant or warrants under their hands, direct or appoint.

CLXXVI. Provided always, and it is hereby likewise enacted by the authority aforesaid, That all the monies arisen or to arise into the exchequer of or for the said surplusses, excesses, or overplus monies, and other revenues, composing the sinking fund (except such monies thereof, as are by this, or any other act or acts of this or any former session or sessions of parliament, especially charged upon the said sinking fund, or to be paid out of the same, or out of any revenues or branches composing the said sinking fund) shall be appropriated, reserved, and employed to and for the discharging the principal and interest of such national debts and incumbrances, as were incurred before the twenty fifth day of *December*, one thousand seven hundred and sixteen, and are declared to be such national debts, as may be redeemed, and are provided for by act of parliament, in such manner and form, as shall be directed and appointed by any future act or acts of parliament to be discharged therewith, or out of the same, and to none other use, intent, or purpose whatsoever; any thing in this act contained to the contrary notwithstanding.

CLXXVII. And whereas several orders of loan or exchequer bills made upon and in pursuance of an act of parliament of the thirty second year of the reign of his late majesty King George the Second (intituled, *An act for granting an aid to his Majesty*

Bills discharged to be cancelled.

Sinking fund appropriated to discharge national debts incurred before 25 Dec. 1710.

Deficiency of the land tax 32 Geo II. how to be supplied.

by a land tax to be raised in Great Britain, for the service of the year one thousand seven hundred and fifty nine) still remain unpaid, for want of sufficient money, arising by the said act, being come into the exchequer to answer and pay the same, and it is uncertain how much thereof the monies arising by the said act will be able to answer and discharge; be it enacted by the authority aforesaid, That if the money arisen or to arise into the exchequer, for or on account of the said aids, on or before the twenty ninth day of September, which shall be in the year of our Lord one thousand seven hundred and sixty one, shall not be sufficient to discharge the whole principal and interest due, or to grow due, on the several orders of loan or exchequer bills, made upon and in pursuance of the said act, that then so much money as shall then appear to be deficient or wanting for answering the purposes aforesaid, shall and may be supplied and made good out of any the monies arising into the exchequer, by or from the loans or exchequer bills on this act, or any other monies or loans that are or shall be appropriated for the service of the year one thousand seven hundred and sixty one, and the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall direct and apply the same accordingly; any thing herein before contained to the contrary notwithstanding.

CAP. III.

In act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and sixty one.

Most gracious Sovereign,

Preamble.

Malt act of
27 George II.
further conti-
nued to 24
June, 1762.

WE, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, towards raising the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant unto your Majesty, the rates, duties, and impositions, herein after-mentioned; and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That within and throughout that part of Great Britain called England, Wales, and town of Berwick upon Tweed, the several and respective rates, duties, and impositions, for and upon all malt, mum, cyder, and perry, which in and by one act of parliament passed in the twenty seventh year of the reign of his late majesty King George the Second, intituled, *An act for continuing and granting to his Majesty certain duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and fifty four*; were granted or continued to his said late Majesty, until the twenty fourth day of June, one thousand seven hundred and fifty five; and which by one other act made and passed in the twenty eighth year of his said late Majesty's

Majesty's reign, were granted or continued to his late Majesty, until the twenty fourth day of *June*, one thousand seven hundred and fifty six; and which by one other act made and passed in the twenty ninth year of his said late Majesty's reign, were granted or continued to his late Majesty, until the twenty fourth day of *June*, one thousand seven hundred and fifty seven; and which by one other act made and passed in the thirtieth year of his said late Majesty's reign, were granted or continued to his late Majesty, until the twenty fourth day of *June*, one thousand seven hundred and fifty eight; and which by one other act made and passed in the thirty first year of his said late Majesty's reign, were granted or continued to his late Majesty, until the twenty fourth day of *June*, one thousand seven hundred and fifty nine; and which by one other act made and passed in the thirty second year of his said late Majesty's reign, were granted or continued to his late Majesty, until the twenty fourth day of *June*, one thousand seven hundred and sixty; and which by one other act made and passed in the thirty third year of his said late Majesty's reign, were granted or continued to his late Majesty, until the twenty fourth day of *June*, one thousand seven hundred and sixty one; shall be further continued in like manner, and shall be and are by this act charged for and upon all malt which shall be made, and all mum which shall be made and imported, and all cyder and perry which shall be made for sale, within that part of *Great Britain* called *England*, *Wales*, and the town of *Berwick upon Tweed*, from and after the twenty third day of *June*, one thousand seven hundred and sixty one, and before the twenty fourth day of *June*, one thousand seven hundred and sixty two.

II. And be it further enacted by the authority aforesaid, That within and throughout that part of the kingdom of *Great Britain* called *Scotland*, there shall be raised, levied, collected, paid, and satisfied, unto and for the use of his Majesty, his heirs, and successors, for and upon all malt, mum, cyder, and perry, the several and respective rates, duties, and impositions herein after-mentioned; that is to say,

For and upon every bushel of malt, which at any time or times, from and after the twenty third day of *June*, one thousand seven hundred and sixty one, and before the twenty fourth day of *June*, one thousand seven hundred and sixty two, shall be made of barley, or any other corn or grain, in that part of *Great Britain* called *Scotland*, by any person or persons whatsoever (whether the same shall be or not be for sale) the sum of three pence; and so proportionably for a greater or less quantity, to be paid by the maker or makers thereof respectively.

Malt in Scot-
land to pay
3d per bushel.

For every barrel of mum, which at any time or times, from and after the said twenty third day of *June*, one thousand seven hundred and sixty one, and before the said twenty fourth day of *June*, one thousand seven hundred and sixty two, shall be made or imported within that part of *Great Britain* called *Scotland*,

Mum 10s. per
barrel.

land, the sum of ten shillings, over and above all duties payable for the same.

Cyder and
perry made
for sale, 4 s.
per hogshead.

For all cyder and perry, which at any time or times, from and after the said twenty third day of *June*, one thousand seven hundred and sixty one, and before the said twenty fourth day of *June*, one thousand seven hundred and sixty two, shall be made for sale within that part of *Great Britain* called *Scotland* (over and above all other duties payable for cyder and perry made and sold by retail) the sum of four shillings for every hogshead; and so in proportion for a greater or less quantity, to be paid by the respective first buyers or retailers thereof.

How these
duties are to
be raised, &c.

Which said several and respective duties, by this act granted and continued respectively, shall be raised, levied, collected, and paid unto his Majesty, his heirs, and successors, during the time and term aforesaid, by the same ways, means, and methods, and by such rules and directions, and with such and the like allowances and repayments proportionably, and under such penalties and forfeitures, and with such power of mitigation, and other powers, in all respects, not otherwise directed by this act, as are prescribed, mentioned, or expressed, in the said former act, or in any other act or acts of parliament thereby referred unto, or any of them, for or concerning the duties by them, or any of them, granted or continued; and that the same act formerly made and passed, and the said other acts hereby referred unto, as for and concerning the said duties upon malt, mum, cyder, and perry, and every article, rule, clause, matter, and thing, in them, and every or any of them contained, or thereby referred unto, and now being in force, and not otherwise altered by this act, shall be and continue in full force and effect, to all intents and purposes, for raising, levying, collecting, securing, and accounting for the rates, duties, and impositions, hereby granted and continued respectively, and for levying and recovering the penalties and forfeitures, and making any mitigations and proportional allowances, and all other matters and things, during the continuance of this act, as fully as if the same were particularly and at large repeated in the body of this present act.

III. *And whereas it is the true intent and meaning of this present act, That the full and entire sum of twenty thousand pounds, of lawful money of Great Britain, clear of all charges and expences of management and collection, shall be raised out of that part of Great Britain called Scotland, for the service of the year one thousand seven hundred and sixty one, by the said duties upon mum, cyder, and perry, to be charged there, as aforesaid, and by a malt tax to be raised and levied as in England, by a duty of three pence per bushel on all malt made and consumed in Scotland; and in case the said duties upon mum, cyder, and perry, and the said duty of three pence per bushel upon malt, to be charged in Scotland, by virtue of this act, being duly surveyed and collected, shall not be sufficient effectually to raise and answer the said sum of twenty thousand pounds in nett*

nett money, after all charges and deductions whatsoever, that such deficiency shall be made good by a surcharge to be made upon all makers of malt in that part of Great Britain called Scotland, in proportion to the malt they shall respectively make between the twenty third day of June, one thousand seven hundred and sixty one, and the twenty fourth day of June, one thousand seven hundred and sixty two; be it therefore enacted by the authority aforesaid, That after the twenty fourth day of June, one thousand seven hundred and sixty two, in case it shall appear to the commissioners of excise for the time being, in that part of Great Britain called Scotland, that the said duties upon mum, cyder, and perry, and upon malt made in Scotland, by this act granted as aforesaid, shall not be sufficient to answer the clear sum of twenty thousand pounds as aforesaid; then, and in such case, it shall and may be lawful for the said last-mentioned commissioners of excise, and the officers under them, to make a proportional surcharge upon all and every the person and persons who shall have made any malt in that part of Great Britain called Scotland, within the year ending the twenty fourth day of June, one thousand seven hundred and sixty two, or so much money, by way of additional duty upon all the malt made by such person or persons respectively, as shall make good such person or persons proportional part of such deficiency; which said surcharges shall be paid to the respective collectors of the said duties on malt, by the respective persons on whom the same shall be so made, within one month after the same shall be so surcharged; or in default thereof the respective person or persons who shall neglect or refuse to make such payment, shall forfeit treble the sum upon him, her, or them respectively surcharged as aforesaid; to be recovered in such manner as the duty of three pence *per* bushel may be recovered by virtue of this act, or any other act or acts of parliament herein before recited or referred unto; which said surcharge by way of additional duty, for making good the deficiency of the said sum of twenty thousand pounds (if any such deficiency there shall be) shall be computed and settled as followeth; that is to say, As the particular quantity of malt made by each such malster or maker of malt in Scotland within the said year, ending the twenty fourth day of June, one thousand seven hundred and sixty two, shall bear proportion to the whole quantity of malt made in Scotland within the same year, so the particular surcharge to be made upon such particular malster or maker of malt, for or towards making good the said deficiency, shall bear proportion to the whole sum which shall be found to be so deficient as aforesaid.

IV. Provided nevertheless, and be it declared by the authority aforesaid, That if the said rate of three pence *per* bushel shall produce a greater sum than the said sum of twenty thousand pounds, clear of all charges of management, the surplusage so produced, over and above the said clear sum of twenty thousand pounds, shall be wholly applied towards the encouraging and promoting the fisheries, and such other manufactures

20,000 l. to be raised in Scotland

Surplus to be added to the fisheries, &c.

tures and improvements in *Scotland*, as may most conduce to the general good of the united kingdom, and to no other use, intent, or purpose whatsoever; in such manner as directed by an act passed in the thirteenth year of the reign of his late majesty King George the First, intituled, *An act for encouraging and promoting fisheries, and other manufactures and improvements in that part of Great Britain called Scotland*.

This act to relate to the same day and time as the act 27 Geo. II. did.

V. And it is hereby declared and enacted, That in all cases where the herein before recited act of the twenty seventh year of the reign of his late majesty King George the Second, did relate to any day or time within the year, which commenced from the twenty third day of *June*, one thousand seven hundred and fifty four, this present act doth and shall relate to the like day and time within the year, commenced from the said twenty third day of *June*, one thousand seven hundred and sixty one.

Malt brought from *Scotland* by sea, to be entered at the port of landing;

VI. And it is hereby further enacted by the authority aforesaid, That all malt made in *Scotland*, not to be consumed there, which at any time or times between the twenty third day of *June*, one thousand seven hundred and sixty one, and the twenty fourth day of *June*, one thousand seven hundred and sixty two, shall be brought into *England*, *Wales*, or the town of *Berwick upon Tweed*, shall in case the same be brought by sea, be entered with the officer for the said duties of the port where the same shall be so brought into *England*, *Wales*, or the town of *Berwick upon Tweed* aforesaid; and the sum of six pence *per* bushel for the duties thereof, shall be paid to such officer before landing thereof, unless a certificate from the proper officer be produced, that it hath paid the said duty of three pence *per* bushel in *Scotland*; and if such certificate be produced, then there shall be paid no more than three pence *per* bushel, by virtue of this act, for such malt so brought into *England*; and in case the same shall be brought by land, such malt shall pass and be carried by and through the towns of *Berwick* or *Carlisle*, and there entered with the officer for the said duties in such of the said towns, by or through which such malt shall be so carried; and the like duty of six pence *per* bushel for the same shall be paid down in ready money, unless such certificate be produced as aforesaid; but upon producing thereof, then there shall be paid no more than three pence *per* bushel, by virtue of this act, on pain of forfeiting all such malt, or the value thereof, as shall be landed or put on shore, or brought into *England* without such entry or payment of duties as aforesaid: and in case any malt made in *Scotland* shall, during the said term, be found coming out of *Scotland*, or be brought from thence by land, by or beyond the towns before-mentioned, without entry or payment of the duties thereof, then all such malt, or the value thereof, shall be forfeited, and may be seized by any officer of excise, for his Majesty's use; one moiety of the aforesaid forfeiture to be and go to the King's majesty, and the other moiety thereof to such person or persons as shall inform, seize or sue for the same, or the value thereof; and to be recovered and levied by such ways, means,

Brought by land, to be entered at *Berwick* or *Carlisle*.

means, and methods, as any penalties and forfeitures are by this or any the former acts, relating to the malt duties, to be recovered and levied; or by action of debt, or upon the case, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no essoin, protection, privilege, wager of law, or more than one imparlance shall be allowed.

VII. Provided always, That nothing in this act contained shall extend to charge with the said four shillings *per* hoghead by this act laid on cyder and perry, any cyder or perry sold to any distiller or maker of strong waters, for such cyder or perry as shall be used for distilling only; any thing in this act, or any former act, to the contrary notwithstanding.

Cyder for distilling not chargeable.

VIII. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *June*, one thousand seven hundred and sixty one, all and every distiller or distillers that shall receive any quantity of cyder or perry into his, her, or their custody, shall give notice in writing to the proper officer, under whose survey any such distiller shall reside, forty eight hours before he, she, or they, shall begin to put any quantity whatsoever of the same into any still or stills to be drawn into low wines or spirits; and if any such distiller or distillers shall neglect or omit to give such notice, or if it shall appear that any quantity whatsoever of such cyder or perry hath been disposed of, or made use of, by any such distiller or distillers, in any other way, but in distillation only, he, she, or they, shall respectively forfeit and lose the sum of five pounds; which said sum of five pounds shall be sued for, levied, recovered, and mitigated, by such ways and means, as any penalty or fine for any offence committed by any person or persons against any of the laws of excise can or may be sued for, levied, recovered, and mitigated, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and that one moiety thereof shall be to his Majesty, his heirs, and successors, and the other moiety thereof to such person or persons as will prosecute, inform, or sue for the same.

Distiller to give notice to officer when he distils cyder.

IX. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, there shall be allowed to malsters and makers of malt for exportation, for every twenty quarters of barley, or other corn or grain that shall be entered and made into malt for exportation, in cases where by law any bounty is allowable on the exportation of malt, an allowance of thirty quarters, after the same shall be dried and made into malt, and no more, upon the exportation thereof, though by their steeping, wetting, or watering the same, the said twenty quarters shall be run out to any greater quantity exceeding the said thirty quarters, according to an act of parliament made in the first year of the reign of their late majesties King *William* and Queen *Mary*, intituled, *An act for encouraging the exportation of corn*; and in such cases where, by the aforesaid act of

Allowances for exportation of malt.

W. & M.

parliament,

parliament, they are intituled to the same; and so in proportion for a greater or less quantity.

O. certificate
of malt being
exported, and
security al-
lowance to be
paid.

X. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, if any person or persons who shall export any malt into foreign parts, shall produce a certificate or certificates from the officer or officers, with whom the entry of the corn or grain intended to have been made into malt shall have been made, of the particular sum or sums of money that such person or persons is or are intituled to receive, according to the aforesaid allowance of thirty quarters of malt for every twenty quarters of corn or grain, and so in proportion for a greater or less quantity, that shall have been entered to be made into malt for exportation (which certificates the said officers are hereby upon demand required to give *gratis*) and upon such person or persons giving sufficient security before the shipping thereof for exportation, that the particular quantity of malt which shall be intended to be exported as aforesaid, or any part thereof, shall not be reloaded, or brought again into any part or parts of *Great Britain* (which security the customer or collector of the port where the same is intended to be exported, is hereby directed and authorized to take in his Majesty's name, and to his Majesty's use) then the collector or chief officer of the port where such malt shall be exported, shall give to the exporter thereof, a certificate or debenture directed to the proper person or persons by whom the said allowance by the aforesaid act of parliament, is directed to be paid; which certificate or debenture being produced to such person or persons, he is hereby required to pay such allowance to the persons, or their agents, so exporting the same.

Penalty on re-
loading.

XI. Provided always, That if after the shipping of any such malt to be exported, and the giving such security as aforesaid, in order to obtain the aforesaid allowance, the malt so shipped to be exported, or any part thereof, shall be reloaded in any part of *Great Britain*; that then, and in every such case, over and above the penalty of the bond, which shall be levied and recovered to his Majesty's use, all the malt which shall be reloaded, and treble the value thereof, shall be forfeited; that is to say, One moiety thereof to the King, and the other moiety thereof to the person or persons who shall seize, inform, or sue for the same.

XII. And whereas *malsters*, or makers of malt for exportation, do frequently mix the produce of two or more steepings of corn or grain, that have been entered to be made into malt for exportation, on or as soon as it comes off from the kiln, by reason whereof the officers for the duties on malt cannot ascertain the real produce thereof; by which means great quantities of each steeping of such malt are or may be privately conveyed away, and made use of for home consumption, though the same has not been charged with the duty, as all malt made for home consumption ought to be; be it enacted by the authority aforesaid, That from and after the said twenty fourth day

Malt steeping
for exporta-

1760.]

Anno primo GEORGE III. C. 3.

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day of *June*, one thousand seven hundred and sixty one, all and every malster or malsters, maker or makers of malt for exportation, shall keep the whole and entire quantity of his, her, or their corn or grain making into malt for exportation, of one steeping or wetting, when the same shall be on the kiln, or after the same shall be taken off the kiln, separate and apart from all and every part of any other former steeping or wetting of corn or grain, until the same shall have been measured by such malsters or makers of malt, in the presence of some officer or officers for the duty upon malt, on pain of forfeiting and losing the sum of fifty pounds.

tion to be kept
separate till
measured

XIII. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, all such malsters, or makers of malt for exportation, shall give notice in writing to some officer or officers of the duties upon malt, or shall leave notice in writing at the next office of excise where the journal is kept, of the hour when he, she, or they shall intend to take any malt off the kiln or kilns, that such officer or officers may attend the measuring of such malt; and after such malt has been measured, the same shall be immediately carried on shipboard, if intended to be then exported; or else shall be immediately locked up and secured in some storehouse, or other place, belonging to such malsters, or makers of malt, in the presence of the said officer or officers, on pain of forfeiting the sum of fifty pounds.

Malsters to
give notice to
officers, &c.

XIV. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, if any such malster or malsters, or maker or makers of malt, or any other person or persons whatsoever, by his order, privity, or directions, after any steeping or making of malt shall have been locked up and secured in any storehouse, or other place or places, in manner as aforesaid, shall open any of the locks or doors, or shall make any way or kind of entrance into such storehouse, or other place or places, or shall remove any part whatsoever of the partition between any such storehouse or place, or any other place or places whatsoever, next thereunto adjoining, or shall remove out of the said storehouse, or other place, any quantity whatsoever of the malt that has been so locked up and secured, without the knowledge and consent of, or without first having given notice to, some officer or officers for the said duties, he, she, or they, shall respectively forfeit and lose the sum of one hundred pounds.

Penalty on
opening the
locks, &c.

XV. And the better to enable the officers for the duties upon malt, to discover whether all such malt made for exportation, and that has been locked up and secured in any storehouse, or other place or places, to be exported, has been really exported; be it enacted by the authority aforesaid, That all and every such malster or malsters, maker or makers of malt, that on the said twenty fourth day of *June*, one thousand seven hundred and sixty

Malsters, on
24 June, 1761,
to clear out of
their ware-
houses all malt
within fifteen
months.

sixty

sixty one, shall have any quantity of malt locked up and secured in any storehouse, or any other place or places, as is before directed to be exported, shall, within fifteen months next after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, remove and clear out of his storehouse, or other place or places, all and every part and parcel thereof, that at any time after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, shall be locked up and secured in such storehouse, or other place, in order to be exported; and shall always, from time to time, in every fifteen months, remove and clear out of such storehouse, or other place or places, in order to be exported, all and every part and parcel of malt, that at any time within every fifteen months after the last clearing, shall be locked up and secured in any storehouse, or in any other place or places that shall be made use of by him, her, or them, for the keeping of malt for exportation, on pain of forfeiting and losing the sum of fifty pounds.

And so all future maltsters.

XVI. And be it further enacted by the authority aforesaid, That from and after the said twenty fourth day of *June*, one thousand seven hundred and sixty one, all and every person or persons whatsoever, that shall become maltsters, or makers of malt for exportation, and shall make use of any storehouse or storehouses, place or places, for the keeping of malt for exportation, shall, within fifteen months after the beginning to make use of any such storehouse or storehouses, or such other place or places, remove and clear out of such places, to be exported, all and every part and parcel of such malt, that at any time or times shall have been put into such place or places, within fifteen months after he, she, or they shall have begun to make use of such place or places; and shall always, from time to time, remove and clear out of such storehouse, or other place, to be exported, all and every quantity of malt whatsoever, that within every fifteen months after the last clearing shall at any time be locked up and secured in such storehouse or storehouses, or in any other place or places that shall be made use of by him, her, or them, for the keeping of malt made for exportation, on pain of forfeiting and losing the sum of fifty pounds.

Clauses in act 12 Annæ,

XVII. And whereas by a clause in an act of parliament made in the twelfth year of the reign of her late majesty Queen *Anne*, intituled, *An act for granting to her Majesty duties upon malt, mum, cyder, and perry, for the service of the year one thousand seven hundred and thirteen; and for making forth duplicates of lottery tickets lost, burnt, or destroyed; and for enlarging the time for adjusting claims in several lottery acts, and to punish the counterfeiting or forging of lottery orders; and for explaining a late act in relation to stamp duties on customary estates which pass by deed and copy*; it was enacted, That if any maltster or maker of malt for sale, during the continuance of the duties on malt by the said act granted, should tread, ram, or otherwise force together in the cistern, uting-fat, or couch, any corn steeping or steeped in order to the making into malt, every such maltster or maker of malt for sale should,

should, for every such offence, forfeit and lose the sum of two shillings and six pence for every bushel of corn steeping or steeped that should be so pressed, trodden, rammed, or forced: and whereas by one other clause in an act of parliament passed in the sixth year of the reign of his late majesty King George the First, intituled, *An act for preventing frauds and abuses in the publick revenues of excise, customs, stamp duties, post office, and house money*; it was enacted and declared, That if, from and after the four and twentieth day of June, one thousand seven hundred and twenty, any corn in any cistern or uting-fat steeping or steeped in order to the making thereof into malt by any malster or maker of malt (other than compounders for the duty on malt) was or should be found so hard, close, and compact, as it could not be, unless the same had by some means or other been forced together to prevent the rising and swelling thereof, every malster and maker of malt (other than compounders for the duty on malt) where the same should be so found, should, in every such case, forfeit and lose the sum of two shillings and six pence per bushel for every bushel of such corn steeping or steeped which should be found so hard, close, and compact, as aforesaid; which said recited clauses have been duly continued, and are still in force: and whereas by the last-recited clause, no penalty is provided where corn steeped, in order to the making thereof into malt, shall be found in the couch so hard, close, and compact, as it could not be, unless the same had by some means or other been forced together to prevent the rising and swelling thereof; and the penalties provided by the fore-mentioned clauses have, by experience, been found ineffectual to prevent the fraudulent practice of pressing, treading, ramming, or otherwise forcing together in the cistern, uting-fat, or couch, the corn or grain steeping or steeped in order to the making thereof into malt, to the prejudice of his Majesty's revenue, and discouragement of the fair traders; be it therefore enacted and declared by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and sixty one, if any corn or grain in any cistern, uting fat, or couch, steeping, or steeped, in order to the making thereof into malt by any malster or maker of malt (other than compounders for the duty on malt) is or shall be found so hard, close, and compact, as it could not be, unless the same had by some means or other been forced together to prevent the rising and swelling thereof, every malster and maker of malt (other than compounders for the duty on malt) where the same shall be so found, shall, in every such case, forfeit and lose the sum of five shillings for every bushel of such corn or grain steeping or steeped, which shall be found so hard, close, and compact, as aforesaid; and proof being made thereof, the same shall be deemed conclusive evidence of the fact, and shall subject the malster or maker of malt to the aforesaid penalty of five shillings per bushel.

5s. per bushel
penalty on all
corn steeping,
or steeped for
malt, which
shall be found
in the cistern
or couch, so
hard and com-
pact as it
could not be,
unless the
same had been
forced toge-
ther to pre-
vent the ri-
sing.

XVIII. *And whereas many malsters or makers of malt, do fraudulently convey away from the cistern, uting-fat, or other wetting place or utensils, steepings, or part of steepings of corn or grain making into malt, and mix such corn or grain, so conveyed away, with and amongst couches or floors of other corn or grain making into malt, which are then depending and in operation, that have been gauged or charged with the duty in the couch; and in case the officer has taken his gauge of the corn or grain, steeping in the cistern, uting-fat, or other wetting place or utensil, such malsters or makers of malt, supply the deficiency with fresh barley or other corn or grain, in the absence and without the privity of the officer, in order to prevent a discovery of such corn or grain having been conveyed away; and such corn or grain so conveyed away and mixt, by an artful and fraudulent manner of working, seldom is charged with any duty in the floor; which practice is greatly detrimental to the revenue and fair traders: for remedy thereof, it is hereby enacted by the authority aforesaid, That from and after the twenty fourth day of June, one thousand seven hundred and sixty one, if any malster or maker of malt shall fraudulently convey away, or cause or procure, or permit or suffer to be conveyed away from the cistern, uting-fat, or other wetting place or utensil, any steeping, or part of any steeping of corn or grain making into malt; and shall mix such corn or grain so conveyed away with and amongst any such couch or couches, floor or floors of other corn or grain making into malt, which are then depending and in operation, and which have been gauged or charged with the duty in the couch; or if any malster or maker of malt, shall fraudulently convey away, or cause or procure, or permit or suffer to be conveyed away, from the cistern, uting-fat, or other wetting place or utensil, any steeping or part of any steeping of corn or grain making into malt, so that no gauge of such corn or grain so conveyed away can be taken in the couch by the officer; then, and in each of the said cases, every such malster and maker of malt so offending, shall, for every such offence, forfeit and lose the sum of one hundred pounds.*

1001. penalty on fraudulent-ly conveying from the cistern, any steeping of corn, and mixing the same with other corn charged with the duty in the couch; or fraudulent-ly conveying the same away, so that no gauge of such corn can be taken in the couch.

Penalties how to be recovered.

XIX. *And be it further enacted by the authority aforesaid, That all fines, penalties, and forfeitures, for any offences against this act, shall be sued for, levied, and recovered, or mitigated, by the same ways, means, and methods, as any penalty or forfeiture given by any of the laws of excise upon beer, ale, and other liquors, can or may be sued for, levied, recovered, or mitigated, or by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at Westminster; and that one moiety of such fines, penalties, and forfeitures, shall be to the use of his Majesty, his heirs, and successors, and the other moiety to him or them that shall discover, inform, or sue for the same.*

Buyers of cyder or perry for their private use, not to be charged.

XX. *Provided always, and it is hereby enacted, That nothing in this act contained shall extend, or be construed to extend, to charge any person or persons with the duty upon cyder or perry, such person or persons buying the same for his or their private*

private use only, and not being a dealer or dealers in cyder or perry, or a retailer or retailers thereof.

XXI. And be it further enacted by the authority aforesaid, That every person or persons whatsoever, who shall, after the twenty fifth day of *March*, one thousand seven hundred and sixty one, sell any quantity of cyder or perry, or either of them, in less quantity than twenty gallons at a time, whether the same be made from fruit of his, her, or their own growth, or from bought fruit, shall be deemed and taken to be a dealer in cyder and perry, and a retailer thereof, and shall be subject and liable to the duty of four shillings *per* hoghead for such quantity of cyder and perry so sold, over and above all other duties payable for cyder and perry sold by retail; and that every dealer in, and retailer of, cyder and perry, and other person and persons receiving into his, her, or their custody or custodies, any quantity of cyder and perry, or either of them, for sale, and every person and persons who shall buy any fruit to make into cyder or perry, or either of them, for sale, shall make a true and particular entry in writing of the several and respective storehouses, rooms, cellars, vaults, and other place and places by him, her, or them, respectively made use of for the making and keeping of cyder and perry, or either of them, at the office of excise, within the compass or limits whereof such respective storehouses, rooms, cellars, vaults, and other place or places shall be situated, on pain of forfeiting the sum of fifty pounds for every such storehouse room, cellar, vault, or other place, which, from and after the said twenty fifth day of *March*, one thousand seven hundred and sixty one, shall be made use of by any such dealer or retailer, receiver or maker respectively, without making such entry thereof as aforesaid; and that all duties, fines, penalties, and forfeitures, by this act imposed, shall be sued for, levied, recovered, or mitigated, by such ways, means, and methods, as any duty, fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise, or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him, her, or them, that shall discover, inform, or sue for the same; and if any person or persons shall at any time be sued for any thing done by him, her, or them, in pursuance of this act, he and they shall and may plead the general issue, and give this act for his or their defence; and if upon the trial a verdict shall pass for the defendant, or the plaintiff shall be nonsuited, then such defendant or defendants shall have treble costs to him, her, or them awarded, against such plaintiff or plaintiffs.

XXII. And it is hereby also enacted, That there shall be provided and kept in the office of the auditor of the receipt of the exchequer one book or register, in which all the orders for money payable by this act shall be entered and registered; and that it shall and may be lawful to and for any person or persons,

Persons selling less than 20 gallons, to be deemed retailers.

Tallies of
loan to be
struck, &c.

Orders regi-
stered and paid
in course.

No fee for re-
gistering, &c.

Penalty for
undue prefe-
rence.

natives or foreigners, bodies politick or corporate, to advance or lend to his Majesty at the said receipt, upon credit of the said duties upon malt, mum, cyder and perry, by this act granted, any sum or sums of money, not exceeding in the whole the sum of seven hundred and fifty thousand pounds; which lenders shall have interest for their forbearance of their respective loans, not exceeding the rate of four pounds *per centum per annum*, so as such loans be allowed to be made by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being, who are hereby authorized to issue their warrants for that purpose, as fast as such loans shall be wanted for the publick service; the said interest to be paid every three months from the making of such loans, until satisfaction of the principal sums respectively; and that no money so to be lent, shall be rated or assessed to any tax or assessment whatsoever; and that every such lender shall immediately have a tally of loan struck for the money by him, her, or them lent, and an order of the same date for repayment thereof, with such interest as aforesaid; and that all such orders shall be registered in course according to their dates; and all persons thereupon shall be paid in course as their orders shall stand registered, so as the person or persons, natives or foreigners, his, her, or their executors, administrators, or assigns, whose order shall be first registered, shall be accounted the person or persons to be first paid, and so successively in course; and that the monies to come in by this act, of the said duties, shall be in the same order liable to the satisfaction of the said respective persons, their executors, administrators, or assigns, successively, without undue preference of one before another, and not otherwise; and shall not be diverted or divertible to any other use, intent, or purpose whatsoever; and that no fee, reward, or gratuity, directly or indirectly, be demanded or taken for providing or making any such books or registers, or any entries, views, or searches, in or for payment of money lent, or the interest thereof, as aforesaid, by any of his Majesty's officer or officers, their clerks or deputies, on pain of payment of treble damages to the party grieved, by the party offending, with full costs of suit; or if the officer himself take or demand any such fee or reward, then to forfeit his place alto; and if any undue preference of one before another shall be made in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, with full costs of suit, to the party aggrieved, and be forejudged of his place or office; and if such preference be unduly made by any his deputy or clerk, without direction or privity of his master, then such deputy or clerk only shall be liable to such action, debt, damages, and costs, and shall be for ever incapable of his place or office; and in case the auditor of the receipt shall not direct, or the clerk of the pells record, or the tellers make payment, accord-

according to each person's due place and order, as before directed; then he or they shall be adjudged to forfeit, and the respective deputies or clerks, therein offending, to be liable to such action, debt, damages, and costs, in such manner as aforesaid: all which said penalties, forfeitures, damages, and costs, to be incurred by any the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*; wherein no *essoins*, protection, privilege, wager of law, injunction, or order of restraint, shall be in any wise granted or allowed.

XXIII. Provided always, That if it shall happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registered, then it shall be interpreted no undue preference, which of those be entered first, so as he enters them all the same day.

No undue preference, where tallies are dated or brought the same day:

XXIV. Provided also, That it shall not be interpreted any undue preference, to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders to persons that come and demand their monies, and bring their orders, before other persons who did not come to take their monies, and bring their orders in course; so as there be so much money reserved as will satisfy precedent orders; which shall not be otherwise disposed of, but kept for them; interest upon loan being to cease from the time the money is so reserved and kept in bank for them.

Nor if subsequent orders be paid before such as were not demanded in course.

XXV. And be it further enacted, That all and every person and persons to whom any money shall be due for loans by virtue of this act, after order entered in the book of register aforesaid, his, her, or their executors, administrators, or assigns, by proper words of assignment to be indorsed on his, her, or their order, may assign and transfer his, her, or their right, title, interest, and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of the receipt aforesaid, and an entry or memorial thereof also made in the book of registry as aforesaid for orders (which the officers shall upon request, without fee or charge, accordingly make) shall intitle such assignee, his, her, or their executors, administrators, successors, or assigns, to the benefit thereof, and payment thereon; and such assignee may, in like manner, assign again, and so *toties quoties*; and afterwards it shall not be in the power of such person or persons who have or hath made such assignment, to make void, release, or discharge the same, or any the monies thereby due, or any part thereof.

Orders assignable.

XXVI. And, to the end there may be no want or failure of a certain sum, not to exceed in the whole seven hundred and fifty thousand pounds, to be raised, either by such loans as aforesaid, or by issuing exchequer bills, as is herein after-mentioned, or by both or either of those ways or means, for the publick service; be it further provided and enacted by the authority a-

Commission-
ers of the trea-
sury impow-
ered to prepare
any number
of one com-
mon sum, or
different sums,
in the princi-
pal monies.

foresaid, That in case the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall judge it more advisable to raise the said sum of seven hundred and fifty thousand pounds, or any part thereof, by exchequer bills, instead of such loans as aforesaid, that then they respectively are hereby authorized and empowered at any time or times, at once, or by such proportions at a time, as they respectively shall find to be most for the advantage of the publick, to prepare and make, or cause to be prepared and made, at the exchequer, in such method and form as they or he shall think most safe and convenient, any number of new exchequer bills, containing one common sum, or different sums, in the principal monies, so that in case there shall be no loans made, then all the principal sums to be contained in the said bills to be made forth by this act, shall not exceed seven hundred and fifty thousand pounds; and in case any such loans shall be made as aforesaid, then all the principal sums to be contained in the said bills to be made forth by this act, together with such loans so made, shall not exceed the said sum of seven hundred and fifty thousand pounds.

Bills to bear
interest at 4 l.
per cent. per
ann.

XXXVII. And be it further enacted by the authority aforesaid, That the said bills to be prepared and made in pursuance of this act, shall and may bear an interest not exceeding the rate of four pounds *per centum per annum*, and proportionably for any greater or less sum to be contained therein, and to be payable to the bearers thereof respectively; nevertheless the said interest shall be abated and saved upon such of the said bills to be made forth by this act, as shall at any time or times be in the receipt of the exchequer, or in the hands or power of any receivers or collectors of any taxes, aids, or revenues whatsoever, payable to his Majesty, his heirs, and successors, during such time and times respectively, as such bills shall be or remain in the said receipt, or in such hands or power as aforesaid.

These bills to
be numbered
arithmetically.

XXVIII. And it is hereby enacted, That all the said bills, so to be prepared and made, shall be numbered arithmetically, beginning with N^o I. and so proceeding in an arithmetical progression, ascending, wherein the common excess or difference shall always be one, and shall be registered accordingly, so that the principal sum to be contained in every such bill (after repayment of the loans which shall have been made as aforesaid, if any such be, with the interest thereof, or reserving money sufficient for that purpose) may regularly be paid off, and discharged in course, according to the number of every such bill, as it shall stand in the said register; and that the interest upon all and every the said bills shall be payable every three months, according to the purport and true meaning of this act; and that upon every such bill there shall be indorsed, printed, or written, in words at length, or in figures, the sum, after which the principal to be contained therein shall be payable in such course, as aforesaid.

aforesaid, according to the purport and true meaning of this act.

XXIX. Provided always, and be it enacted by the authority of the said Treasury to
aforesaid, That in case the said sum, not exceeding seven hundred and fifty thousand pounds, shall be raised partly by loans, ^{direct the} ^{course of pay-}
and partly by exchequer bills, according to the powers before ^{ment for loans} ^{or exchequer}
given by this act; that then, and in such case, it shall and may ^{bills,}
be lawful to and for the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, when and as often as they shall, by virtue of the said powers, direct any such loans to be taken, or any such exchequer bills to be made out, at the same time also to direct and appoint the course and order in which such loans and exchequer bills shall stand upon the said register, and after what sum they shall respectively begin to be payable in course, out of the monies arising by this act, so as no subsequent loans or exchequer bills be made to alter the course at first appointed for prior loans or exchequer bills, at the time of taking in, or making out, such prior loans or exchequer bills; any thing herein before contained to the contrary notwithstanding.

XXX. And it is hereby further enacted, That all the said ^{and to appoint}
bills shall be prepared and made with such cheques, indents, or ^{cheques, &c.}
counterfoils, as shall be directed by the commissioners of the treasury, or any three or more of them now being, or by the high treasurer, or any three or more of the commissioners of the treasury for the time being; and that the person or persons appointed, or who shall be appointed to pay off the said bills in course, shall, from time to time, have the use and custody of one part of all the cheques, indents, or counterfoils of the said exchequer bills, to be prepared and made by virtue of this act, from which the said bills shall have been cut, to prevent his or their being imposed upon by counterfeit or forged bills; and that the undertakers or contractors for exchanging or circulating the said bills, or such of them as shall be current, shall, from time to time, have the use and custody of one other part of all the said cheques, indents, or counterfoils of the said exchequer bills, from which the same shall have been cut off, as aforesaid, in order to prevent their being imposed upon by any counterfeit or forged bills; and that all the said parts of the said cheques, indents, or counterfoils, shall be delivered back into the exchequer when the said bills to be made forth by virtue of this act shall be paid off, cancelled, and discharged.

XXXI. And it is hereby enacted, That the said commis- ^{The bills to}
sioners of the treasury, or any three or more of them now being, ^{be placed as}
and the said high treasurer, or any three or more of the com- ^{cash in the}
missioners of the treasury for the time being, shall, and they are ^{exchequer.}
hereby respectively authorized and empowered to cause such bills as shall be prepared by virtue of this act, to be placed as so much cash in the respective offices of the tellers of the said receipt of exchequer, each and every of which tellers shall be se-

verally charged with the proportion of the said bills, which shall be so placed in his office respectively; any law or usage to the contrary notwithstanding.

Clauses in the
land tax act
relating to
exchequer
bills, extend-
ed to this.

XXXII. And be it further enacted by the authority aforesaid, That all the said bills to be issued as aforesaid, shall be current in like manner, and with such privileges and advantages, and subject to such rules and directions, as are prescribed and enacted by an act of this present session of parliament, intituled, *An act for granting an aid to his Majesty by a land tax, to be raised in Great Britain, for the service of the year one thousand seven hundred and sixty one*, for or concerning the exchequer bills thereby authorized to be made forth; and that all and every the clauses and provisos in the said last-mentioned act relating to the currency, exchanging, or receiving the same last-mentioned exchequer bills, by any publick receivers of aids, taxes, or supplies, or in his Majesty's receipt of the exchequer, or for preventing the forging, counterfeiting, or altering the same bills, or for making out new bills in the room of such as shall be filled up with indorsements, lost, burnt, defaced, or otherwise destroyed, or for making out exchequer bills of five thousand pounds each, or for making out exchequer bills, without bearing interest, or for making them afterwards to bear an interest, or a higher or lower rate of interest, from time to time, as the contractors shall agree to, or for preventing any misapplication of the fund on which the same are charged, or any other misbehaviour of any officers concerned in the receiving, issuing, exchanging, paying off, or cancelling, the same last-mentioned exchequer bills, or for enabling the commissioners of the treasury, or the high treasurer for the time being, to contract, from time to time, with any person or persons, body or bodies politick or corporate, for payment of the interest of, or exchanging for ready money on demand, the exchequer bills thereby authorized to be issued, at a rate or premium not exceeding four pounds *per centum per annum*, or for preventing any disabilities in such contractors, or for making them not liable to be bankrupts on account of such contracts, or for appointing a paymaster or paymasters for paying off or cancelling the same exchequer bills in due course and order, shall be extended, and construed to extend, as well to the exchequer bills by this act authorized to be made forth, as to the exchequer bills to be made forth in pursuance of the said act for granting an aid to his Majesty by a land tax, as amply, fully, and effectually, to all intents and purposes, as if the same clauses or provisos had been particularly repeated and re-enacted *verbatim* in this act.

XXXIII. And, to the end the same bills, or so many of them as shall, from time to time, remain undischarged, may the better obtain a currency for such time as they, or any of them, are hereby intended to be current; be it further enacted by the authority aforesaid,

How the mo-
nies arising by
this act shall
be applied.

That the money which shall, from time to time, arise at the said receipt of the exchequer, of or for the rates or duties by this act granted, shall, from time to time, as the same shall arise at the

the

the said receipt, be issued and applied at the said receipt for or towards paying off and discharging the orders of loan, for the monies which shall have been lent at the said receipt, and for satisfying the interest thereof, in such course, manner, and form, as are before in this act prescribed and appointed for that purpose until all the principal and interest payable upon such orders of loan shall be fully satisfied, or sufficient money shall be reserved in the exchequer for the full payment and satisfaction of the same, or the monies which shall, from time to time, arise at the said receipt of exchequer, of or for the said rates and duties, by this act granted, shall, from time to time, as the same shall arise at the said receipt, be issued to such paymaster by way of imprest and upon account, for or towards paying off or discharging the said exchequer bills which shall have been made forth by virtue of this act, in such course as aforesaid, and for or towards the charge of circulating and exchanging the same bills, or any of them, and for or towards such other payments as are in and by this act directed or allowed to be made or discharged out of the same, and for no other use, intent, or purpose whatsoever.

XXXIV. And be it further enacted by the authority aforesaid, That on the twenty ninth day of *September*, one thousand seven hundred and sixty two, or within ten days after, the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall cause a true and perfect account in writing to be taken and attested by the proper officers, of all the monies which shall have been raised by loans, or by exchequer bills, or by any or either of those ways or means, for or towards the said sum, not exceeding seven hundred and fifty thousand pounds, by this act intended to be raised, as aforesaid, and how much thereof shall, before that time, have been paid off or discharged, and how much thereof shall then remain undischarged, upon the said orders of loan and exchequer bills respectively, or upon any or either of them; which account shall be publickly affixed in the office of the auditor of the receipt in the said exchequer.

XXXV. And it is hereby enacted and declared by the authority aforesaid, That the monies so remaining unsatisfied, or not discharged, with the interest due or to grow due for the same, shall be paid and satisfied out of the next aid or aids to be granted in parliament, after the said twenty ninth day of *September*, one thousand seven hundred and sixty two, and shall be transferred thereunto, as soon as such aid or aids shall be granted; and if no such aid or aids shall be granted, whereunto such unsatisfied monies shall be transferred, before the twenty fourth day of *March*, one thousand seven hundred and sixty three, then the monies so remaining unsatisfied and undischarged upon the said orders of loan or exchequer bills, or any of them, with the interest due or to grow due for the same, shall be and are hereby charged and chargeable upon such monies, as at any time or

Treasury on
29 Sept. 1761,
to take an account of all
monies raised
and discharged.

Unsatisfied
monies to be
paid out of the
next aid,

or out of the
sinking fund.

times shall be or remain in the same receipt of the surplusses, excesses, overplus monies, and other revenues composing the sinking fund (except such monies of the said sinking fund as are appropriated to any particular use or uses, by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be issued for supplying money to the said paymaster, for discharging the said unsatisfied orders of loan or exchequer bills in course, as the said commissioners of the treasury, or the high treasurer for the time being, shall direct, until all the principal and interest, which shall be or remain due upon the said orders of loan or exchequer bills, or any of them, shall be fully cleared and paid off, or money sufficient shall be reserved for that purpose; and if at any time or times before or after any money of the said rates and duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying interest, which shall be actually incurred and grown due upon the said orders of loan or exchequer bills, or any of them, or for payment of any premium or rate, which shall be incurred or grown due by any contract or contracts to be made by virtue of this act, for circulating and exchanging the same bills; that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the said fund, commonly called *The sinking fund* (except before excepted) and be issued accordingly.

to be replaced
out of the first
supplies.

XXXVI. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the said surplusses, excesses, or overplus monies, and other revenues composing the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament; any thing herein contained to the contrary notwithstanding.

Deficiency of
malt tax, 32
Geo 2. how to
be supplied.

XXXVII. *And whereas several orders of loan or exchequer bills, made upon and in pursuance of an act of parliament of the thirty second year of the reign of his late majesty King George the Second, for continuing the duties upon malt, mum, cyder, and perry, still remain undischarged, for want of sufficient money arising by the said duties being come into the exchequer, to satisfy and discharge the same, and it is uncertain how much thereof the monies arising by the said act will be able to answer and discharge; be it further enacted by the authority aforesaid, That if the money arisen or to arise into the exchequer, for or on account of the said duties, on or before the twenty fifth day of March, which shall be in the year of our Lord one thousand seven hundred and sixty one, shall not be sufficient to discharge the whole principal and interest due or to grow due, upon the several orders of loan or exchequer bills, made upon and in pursuance of the said act, that then so much money as shall then appear to be wanting and deficient for answering the purposes aforesaid, shall and may be supplied and made good out of any the monies arising into the exchequer, by or from the loans or exchequer bills on this act, or any other monies or loans that are or shall be appropriated for the service of*

of the year one thousand seven hundred and sixty one; and the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, shall direct and apply the same accordingly; any thing herein before contained to the contrary notwithstanding.

XXXVIII. Provided nevertheless, and be it further enacted, That all the monies which, from and after the said twenty fifth day of *March*, one thousand seven hundred and sixty one, shall and may happen to come and be paid into the receipt of his Majesty's exchequer, for arrears upon the said duties upon malt, mum, cyder, and perry, granted for the service of the year one thousand seven hundred and fifty nine (after satisfying all interest, premiums, or rates then due on the said orders of loan or exchequer bills as aforesaid) shall be issued and applied in aid of the supplies that shall be granted to his Majesty, for the said year one thousand seven hundred and sixty one; any thing in the act by which the said duties were granted to the contrary notwithstanding.

Arrears of former duties to be applied in aid of the supplies granted for the year 1761.

C A P. IV.

An act to continue for a limited time the importation of salted beef, pork, and butter, from Ireland.

WHEREAS the permitting the importation of salted beef, *pork, and butter, from Ireland into this kingdom, hath been found useful and beneficial, and that the time allowed for that purpose is near expiring; and it is expedient that the same should be prolonged; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the thirty third year of the reign of his late majesty King George the Second, intituled, *An act to continue for a limited time the importation of salted beef, pork, and butter from Ireland; which was to continue in force until the twenty fourth day of December one thousand seven hundred and sixty, shall be, and the same is hereby further continued from the expiration thereof, until the twenty fourth day of December one thousand seven hundred and sixty one.**

Preamble.

Act 33 Geo. 2. continued to 24 Dec. 1761.

C A P. V.

An act to enable his Majesty to be governor of the South Sea Company.

WHEREAS the governor and company of merchants of Great Britain, trading to the South Seas, and other parts of America, and for encouraging the fishery, have made an humble address to the King's most excellent majesty, in a general court of the said company, that his Majesty would be graciously pleased to honour the said company with being their governor, whereunto his Majesty being willing to condescend, some doubts and difficulties have arisen, or may arise,

Preamble.

His Majesty
declared capa-
ble of being
governor;

and the ad-
dress of the
company to
be a due elec-
tion.

His Majesty
exempted
from taking
the oaths of
office;

and impower-
ed to vote or
act by proxy.

touching the qualifications and duties prescribed by law, or by the charter granted to the said company, in relation to the governors or the government thereof: For remedy whereof, be it enacted and declared by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty shall be capable of being and continuing governor of the said company, for such time or times as are prescribed by the said charter for the continuance of any governor therein; and that such address as aforesaid, or any other address of the said company to be hereafter made in their general court for the same purpose (in case his Majesty shall be pleased to accept of being their governor) shall, from time to time, be deemed and adjudged to be an election of his Majesty to be governor of the said company within the true intent and meaning of the said charter, without the forms of balloting, or other methods prescribed by such charter for electing the governor of the said company; any thing in the said charter to the contrary notwithstanding.

II. And it is hereby declared and enacted by the authority aforesaid, That the oaths prescribed by the said charter, or any law now in force, and all other acts, matters, or things, necessary or requisite to qualify a subject of this realm to be governor of the said company, shall not be deemed to be necessary or requisite for his Majesty's qualification, in respect of the said government, nor shall the said oaths be administered to his Majesty; and that his Majesty in all cases where any vote is to be given, or act to be done by him as governor of the said company, may, (if his Majesty think fit) by any warrant or warrants under his royal sign manual, appoint the sub governor, or deputy governor of the said company, to vote or act for him, or on his behalf; any former law, statute, charter, or provision, to the contrary notwithstanding.

C A P. VI.

An act for punishing mutiny and desertion; and for the better payment of the army and their quarters.

Preamble.

Number of
forces, 64,971,
including
4,008 invalids.

WHEREAS the raising or keeping a standing army within this kingdom in time of peace, unless it be with consent of parliament, is against law: and whereas his Majesty is engaged in a just and necessary war against France: and whereas it is judged necessary by his Majesty, and this present parliament, that a body of forces should be continued for the safety of this kingdom, the defence of the possessions of the crown of Great Britain, and the preservation of the balance of power in Europe; and that the whole number of such forces should consist of sixty four thousand nine hundred and seventy one, including four thousand and eight invalids: and whereas no man can be forejudged of life or limb, or subjected in time of peace to any kind of punishment within this realm, by martial law, or in any other manner than by the judgement of his peers, and according to the known and established laws of this realm; yet nevertheless it being requisite for the

re-

retaining such forces in their duty, that an exact discipline be observed, and that soldiers who shall mutiny, or stir up sedition, or shall desert his Majesty's service within this realm, or the kingdom of Ireland, Jersey, Guernsey, Alderney, and Sark, or the islands thereto belonging, be brought to a more exemplary and speedy punishment than the usual forms of the law will allow; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *March* one thousand seven hundred and sixty one, if any person being mustered, or in pay as an officer, or who is, or shall be listed, or in pay as a soldier, and on the twenty fourth day of *March*, one thousand seven hundred and sixty one, shall remain in such service, or shall during the continuance of this act, herein after mentioned, voluntarily enter himself in his Majesty's service as a soldier, shall, at any time, during such continuance of this act, within the realm of *Great Britain*, or in the kingdom of *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or the islands thereto belonging, or in the island of *Minorca*, or in his Majesty's garrison of *Gibraltar*, or in any of his Majesty's dominions beyond the seas respectively, begin, excite, cause, or join in any mutiny or sedition, in the company, troop, or regiment, whereto he doth belong, or in any other company, troop, or regiment, in his Majesty's service, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any mutiny, or intended mutiny, shall not without delay give information thereof to his commanding officer, or shall desert his Majesty's service; or being a soldier actually listed in any regiment, troop, or company, shall list himself in any other regiment, troop, or company, without a discharge produced in writing from the colonel, or, in his absence, the field officer commanding in chief the regiment, troop, or company, in which he last served as a listed soldier; or shall be found sleeping upon his post, or shall leave it before relieved; or if any officer or soldier in his Majesty's army shall, either upon land, within or out of *Great Britain*, or upon the sea, hold correspondence with any rebel, or enemy of his Majesty, or give them advice or intelligence, either by letters, messages, signs, or tokens, in any manner or way whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them, without his Majesty's licence, or licence of the general, lieutenant general, or chief commander; or shall strike or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any of the matters before mentioned, shall suffer death, or such other punishment as by a court martial shall be inflicted.

After 24
March 1761,
during the
continuance
of this act,
every officer
and private
man,

who shall mu-
tiny or desert,
&c.

or list in any
other regi-
ment, &c.

or shall be
found sleeping
on, or shall
desert, his post,
or hold illegal
correspond-
ence with the
enemies of his
Majesty,
or shall strike,
or disobey his
superior offi-
cer; shall suf-
fer death, or
such punish-
ment as a
court mar-
tial shall in-
flict.

II. And be it further enacted by the authority aforesaid, That his Majesty may, from time to time, grant a commission under his royal sign manual, to any officer, not under the degree of a field

The King
may grant a
commission to
hold a court-
martial, &c.

field officer, for the holding a general court martial within this realm; and also grant his warrant to the lord lieutenant of *Ireland*, or other chief governor or governors there for the time being, or the governor or governors of *Minorca*, *Gibraltar*, and any of his Majesty's dominions beyond the seas respectively, or the person or persons there commanding in chief, from time to time, to appoint courts martial in the kingdom of *Ireland*, and other places and dominions respectively; in which courts martial, all the offences above mentioned, and all other offences herein after specified, shall be tried and proceeded against in such manner, as by this act shall be hereafter directed.

Court-martial may inflict corporal punishment for immoralities, &c.

III. And be it also further enacted, That it shall and may be lawful to and for such courts martial, by their sentence or judgment, to inflict corporal punishment, not extending to life or limb, on any soldier for immoralities, misbehaviour, or neglect of duty.

General court-martial not to consist of less than 13, and the president to be a field officer or officer next in seniority, not under the degree of a captain. May administer an oath to witnesses.

IV. And it is hereby further enacted and declared, That no general court martial which shall have power to sit by virtue of this act, shall consist of a less number than thirteen, whereof none to be under the degree of a commission officer; and the president of such general court martial, shall neither be the commander in chief, or governor of the garrison where the offender shall be tried, nor under the degree of a field officer, unless where a field officer cannot be had; in which case, the officer next in seniority to the commander, not being under the degree of a captain, shall preside at such court martial; and that such court martial shall have power and authority, and are hereby required to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them.

Officers to be sworn.

V. Provided always, That in all trials of offenders by general courts martial, to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereupon, shall take the following oaths upon the holy evangelists, before the court, and judge advocate, or his deputy (who are hereby authorized to administer the same) in these words; that is to say,

The oath.

YOU shall well and truly try and determine according to your evidence in the matter now before you, between our sovereign lord the King's majesty, and the prisoner to be tried:

So help you God.

The oath.

I A. B. do swear, That I will duly administer justice, according to the rules and articles for the better government of his Majesty's forces, and according to an act of parliament now in force for the punishment of mutiny and desertion, and other crimes therein mentioned, without partiality, favour, or affection; and if any doubt shall arise, which is not explained by the said articles or act of parliament, according to my conscience, the best of my understanding, and the custom of war in the like cases. And I further swear, That I will not divulge the sentence of the court until it shall be approved by his Majesty, the general, or commander in chief; neither will I, upon any account,

at

at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice in a due course of law:

So help me God.

And as soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or the person officiating as such, an oath in the following words:

I A. B. do swear, That I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof, as a witness, by a court of justice in a due course of law : The oath.
So help me God.

And no sentence of death shall be given against any offender in such case by any general court martial, unless nine officers present shall concur therein; and if there be more officers present than thirteen, then the judgement shall pass by the concurrence of two thirds of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of eight of the clock in the morning, and three in the afternoon, except in cases which require an immediate example. In sentences of death, nine officers to concur, &c.
Hours of trial.

VI. Provided always, That the party tried by any general court martial in the kingdom of *Great Britain* or *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or the islands thereto belonging, shall be intitled to a copy of the sentence and proceedings of such court martial, upon demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same) at any time not sooner than three months after such sentence; and in the case of trials by any general court martial at *Gibraltar* or *Minorca*, at any time not sooner than six months after the sentence given by such court martial; and in the case of trials by any general court martial in his Majesty's other dominions beyond the seas, at any time not sooner than twelve months after the sentence given by such court martial, whether such sentences be approved or not; any thing in this act to the contrary notwithstanding. The party tried, intitled to a copy of the sentence and proceedings of the court-martial.

VII. Provided also, and be it enacted by the authority aforesaid, That every judge advocate, or person officiating as such at any general court martial, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial to the judge advocate general in *London*; which said original proceedings and sentence shall be carefully kept and preserved in the office of such judge advocate general, to the end that the persons intitled thereto may be enabled, upon application to the said office, to obtain copies thereof, according to the true intent and meaning of this act. Original proceeding, &c. of courts-martial to be transmitted to the judge advocate general in London, &c.

VIII. Pro-

None to be tried a second time for the same offence except in case of appeal.

VIII. Provided always, and be it hereby declared and enacted, That no officer or soldier being acquitted or convicted of any offence, be liable to be tried a second time by the same or any other court martial for the same offence, unless in the case of an appeal from a regimental to a general court martial; and that no sentence given by any court martial, and signed by the president thereof, be liable to be revised more than once.

This act not to exempt soldiers from ordinary process.

IX. Provided always, That nothing in this act contained shall extend, or be construed to exempt any officer or soldier whatsoever, from being proceeded against by the ordinary course of law.

Penalty on false certificates to excuse soldiers from musters.

X. *And, for preventing of fraud and deceit in the mustering of soldiers*, be it further enacted by the authority aforesaid, That if any person shall make or give, or procure to be made or given, any false or untrue certificates, whereby to excuse any soldier for his absence from any muster, or any other service which he ought to attend or perform, upon pretence of being employed on some other duty of the regiment, or of sickness, being in prison, or on furlough; that then every such person, so making, giving, or procuring such certificate, shall, for every such offence, forfeit the sum of fifty pounds, and shall be forthwith cashiered and displaced from his office, and shall be thereby utterly disabled to have or hold any military office or employment within this realm, or in his Majesty's service; and no certificate shall excuse the absence of any soldier, but for the reasons above mentioned, or one of them; and the commissary of the musters is hereby directed to set down on the roll, at the time of the taking of the muster, the reason of the absence of such soldier respectively, and by whom certified; and not to set down any such excuse, without view of such certificate.

Penalty on officers making false musters, &c.

XI. And be it further enacted by the authority aforesaid, That every officer that shall make any false or untrue muster of man or horse, and every commissary, muster-master, or other officer, who shall wittingly or willingly allow or sign the muster roll, wherein such false muster is contained, or any duplicate thereof; and also every commissary, muster-master, or other officer, who shall directly or indirectly take, or cause to be taken, any sum or sums of money, or any other gratuity, on or for the mustering any regiment, troop, or company, or on or for the signing of any muster rolls, or any duplicate thereof, upon proof thereof upon oath made by two witnesses before a general court martial, to be thereupon called (which is hereby authorized and required to administer such oath) shall, for such offence, be forthwith cashiered and displaced from such his office, and shall be thereby utterly disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service.

Fictitious names allowed by his Majesty's order upon the mu-

XII. *And whereas his Majesty hath been graciously pleased, in compassion to the distressed condition of several widows of officers of the army, who have lost their lives in the service of the late war, or during the late rebellion, by orders made under his royal sign manual, to direct his*

his commissary general of the musters, to allow upon the muster rolls of all the regiments, troops, and companies, a number of fictitious names therein mentioned, instead of private men, in order to raise and settle a fund for the maintenance of such widows of officers as are or shall be intitled to his royal bounty: and whereas his Majesty has been graciously pleased, under his royal sign manual, to give the like directions to his commissary general of the marines, and has appointed a receiver for the purposes aforesaid, and directed the paymaster general and the paymaster of the marines, by like orders under his sign manual, to pay over the full pay of such fictitious private men to such receiver, to be distributed to such widows, according to his instructions in that behalf; be it further enacted and declared by the authority aforesaid, That no allowance of any such fictitious name upon any muster roll shall be construed to be a false muster; any thing in this or any former act contained to the contrary notwithstanding.

XIII. And be it further enacted by the authority aforesaid, That every commissary or muster-master, upon any muster to be made, had, or taken by him or them, shall, by a convenient time before such muster made, give notice to the mayor, or other chief magistrate or officer of the place where the said soldiers so to be mustered shall be quartered; who is hereby required to be present at every such muster, and give his utmost assistance for the discovering any false or untrue muster there made, or offered to be made; and that every such commissary or muster-master, making or taking such muster, that shall neglect to give such notice as aforesaid, or shall refuse to take the aid and assistance of such mayor, chief magistrate, or officer, where the soldiers to be mustered shall be quartered, shall forfeit the sum of fifty pounds, and shall be discharged from his office; and no muster roll shall be allowed, unless the same be signed by the said mayor, or other chief magistrate, or officer respectively: but in case such mayor, chief magistrate, or officer shall not, upon due notice given, attend such muster, or shall refuse to sign such muster roll, without giving good and sufficient reasons for such refusal; that then the commissary may proceed to muster such regiment, troop, or company, without incurring the said penalty: and such muster roll shall be allowed, though not signed as aforesaid; provided that oath be made before any of his Majesty's justices of the peace within forty eight hours after such muster; and the said muster roll shall then be produced, and examined by the said justice of the peace, who is hereby required to sign the same, if there shall appear to be no good or sufficient objection to the same.

XIV. And be it further enacted by the authority aforesaid, That if any person shall be falsely mustered, or offer himself falsely or deceitfully to be mustered, upon proof thereof made upon oath by two witnesses before the next justice of the peace for the county where such muster shall be made, and upon certificate thereof in writing under the hand of the commissary of the musters, or chief magistrate, as aforesaid, made to such justice of the peace, the said justice is hereby authorized and required to

ster rolls, for the maintenance of officers' widows, not to be construed a false muster.

Muster-master to give notice of muster, &c.

Penalty on muster-master neglecting to do.

Muster-rolls to be signed by the mayor, &c.

Penalty on persons offering themselves to be falsely mustered.

com-

Horses falsely
mustered, to be
forfeited, &c.

Forfeiture
how to be le-
vied.

Officer em-
bezzling, &c.
military stores,

to be cashier-
ed, and forfeit
tool, and the
damage to be
made good, by
sale of his
goods and
chattels;

for want of
distress, the
person to be
committed.

Application of
the forfeiture.

Muster-ma-
ster, &c. tak-
ing a muster,
to make oath.

commit such offender to the house of correction there to remain for the space of ten days; and if any person shall wittingly or willingly lend or furnish any horse to be mustered, which shall not truly belong to the trooper or troop so mustered; the said horse so falsely mustered shall be forfeited to the informer, if the same doth belong to the person lending or furnishing the said horse; or otherwise, the person lending or furnishing the said horse shall forfeit the sum of twenty pounds, upon oath made by two witnesses before the next justice of the peace; which twenty pounds shall be levied by warrant under the hand and seal of the said justice, by distress and sale of the goods and chattels of the person so offending, rendering the overplus, if any be, to the owner; and in case such offender shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalty to be recovered against him, or shall not pay such penalty within four days after such conviction, then, and in such case, such justice of the peace shall and may, by warrant under his hand and seal, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such offender to be publicly whipt, at the discretion of such justice; and the said forfeiture shall be to such person or persons that shall give information thereof; and the said informer or informers, if belonging to the service, shall have a right to be discharged forthwith, if he or they shall demand the same.

XV. And be further enacted by the authority aforesaid, That every commission officer, storekeeper, or commissary, that shall embezel or misapply, or cause to be embezzled or misapplied, or shall wilfully, or through neglect, suffer any provisions, forage, arms, clothing, ammunition, or other military stores to be spoiled or damaged, upon proof thereof upon oath made by two witnesses, before a general court martial (which is hereby authorized and required to administer such oath) shall be forthwith dismissed his Majesty's service, and forfeit the sum of one hundred pounds, and is hereby required to make good, at his own expence, the loss and damage thereby sustained, to be ascertained by such court martial, which shall have power to seize the goods and chattels of the person so offending, and sell them for the payment of the said one hundred pounds, and such damage; and if sufficient goods and chattels cannot be found and seized, then the person so offending shall be committed to prison, or the common gaol, to remain there for six months without bail or mainprize, and until he shall pay such deficiency; and after the said sum shall be recovered and levied, the same shall be applied and disposed of as his Majesty shall direct and appoint.

XVI. And be it further enacted by the authority aforesaid, That every commissary of the musters, or muster master, either of the land forces or marines, making or taking a muster, do make oath before the mayor or chief magistrate attending the making or taking such muster as aforesaid, if such mayor or chief magistrate so attending be a justice of the peace, or otherwise,

wife, before some other justice of the peace for the county where such muster shall be taken (who is hereby authorized and required to administer the same without fee or reward) in manner and form following:

I A. B. do swear, That I saw, at the time of making the within muster, such men or horses as are borne, and not respited, on the muster roll, for which men or horses a signed certificate or certificates are not indorsed on the back of the roll, certifying their being absent from the muster by reason of being employed on some other duty of the regiment, or by being sick, in prison, on furlough, or at grass, or by a signed leave from the colonel or field officer, or officer commanding the regiment, troop, or company. The oath.

Which oath the said commissary or muster master is hereby directed to insert and subscribe on the back of the muster roll by him transmitted into the office of the commissary general of the musters.

XVII. And whereas a doubt hath arisen, whether the oath directed to be inserted and indorsed on the back of the muster roll (by the act passed in the twentieth year of the reign of his late majesty King George the Second, for punishing mutiny and desertion, and for the better payment of the army and their quarters) should not only be indorsed and subscribed on the back of those muster rolls which are to remain with the respective muster masters general of his Majesty's land forces and marines, but also on the back of those muster rolls which are transmitted to the respective paymasters of the said land forces and marines, and by them returned into the office of the auditors of the imprest; to obviate which doubt, he it enacted and declared by the authority aforesaid, That all such muster rolls as have been, or shall be from time to time, transmitted to the said paymasters general, and by them returned into the office of the auditors of the imprest since the passing the said act, shall be deemed good and sufficient vouchers to the said auditors of the imprest, although the before mentioned oath be not inserted and indorsed on the back of such muster rolls; any thing in the said act contained to the contrary in any wise notwithstanding. Muster-rolls, though transmitted without the oath indorsed to the paymasters general, to be good vouchers to the auditor.

XVIII. And be further enacted, That if any paymaster, agent, or clerk of any garrison, regiment, troop, or company, shall wilfully detain or withhold, by the space of one month, the pay of any officer or soldier (clothes and all other just allowances being deducted) after such pay shall be by him or them received; or if any officers, having received their soldiers pay, shall refuse to pay each respective non-commission officer and soldier their respective pay, when it shall become due, at the rate of seventeen shillings and sixpence *per* week for each corporal of light horse; fourteen shillings *per* week for each trumpeter and private trooper; nine shillings and eleven pence *per* week for each dragoon; nine shillings and four pence *per* week for each serjeant; six shillings and two pence *per* week for each corporal; five shillings *per* week for each drummer; four shillings *per* week Penalty on agent, &c. detaining officer's or soldier's pay.
Weekly rates.

week for each private soldier of his Majesty's three regiments of foot guards; and six shillings *per* week to each serjeant; four shillings and six pence *per* week to each corporal and drummer; and three shillings *per* week to each foot soldier of any other regiment or independent company; and at the end of every two months to account for one shilling *per* week to each serjeant, and two pence *per* week to each corporal and drummer, and six pence *per* week to each foot soldier; the said one shilling *per* week, two pence *per* week, and six pence *per* week, being the remainder of the subsistence of each serjeant, corporal, drummer, and foot soldier; then, upon proof thereof before a court-martial as aforesaid, to be for that purpose held and summoned by his Majesty's order, every such paymaster, agent, clerk, or officer so offending, shall be discharged from his employment, and shall forfeit to the informer, upon conviction before the said court, one hundred pounds, to be levied as aforesaid; and the informer, if a soldier (if he demands it) shall be, and he is hereby discharged from any further service; any thing in this act contained to the contrary notwithstanding: and the commanding officers of the three regiments of foot guards are hereby impowered, if they judge it necessary for the good of the service, to make the same stoppages of one shilling *per* week from each serjeant, two pence *per* week from each corporal and drummer, and six pence *per* week from each foot soldier; and at the end of every two months to account for the said one shilling *per* week to each serjeant, and two pence *per* week to each corporal and drummer, and six pence *per* week to each foot soldier, in the same manner as is hereby directed for the marching regiments.

Penalty on agents disobeying of orders.

XIX. And for the better execution heretofore, and that a true and regular account may be kept and rendered by the agents of the several regiments, and independent troops and companies, the said agents are hereby required and directed to observe such orders and directions as shall, from time to time, be given by his Majesty, under his sign manual, or by the lord treasurer, or commissioners of the treasury for the time being; and if any agent shall refuse or neglect to observe and comply with such orders and directions, he shall be discharged from his office, and be utterly disabled to have or hold any such office in his Majesty's service.

Surgeon, &c. within ten miles of London, &c. to certify who are sick; and commanding officer, who are employed in raising recruits.

XX. And it is hereby enacted, That the surgeon, or his mate, shall, within the cities of *London* and *Westminster*, and ten miles of the same, certify upon oath to the muster master, that he hath actually seen such person as he certifies to be sick; and such commanding officer shall also certify the names of such others, as shall be employed in raising recruits; and if such certificate shall prove false, upon conviction thereof, before a court-martial, the officer signing such certificate shall suffer such penalties, and in such manner, as is declared and inflicted by this act upon those who shall make false musters; and the commissary of the musters is hereby directed to insert in the docket annexed to the muster roll, the place where, and the precise day when, every muster roll is taken.

XXI. And

XXI. And it is enacted, That if any officer or commissary shall muster any person by a wrong name knowingly, upon conviction thereof before a general court martial, the said officer or commissary shall suffer such penalties, and in such manner, as is directed and inflicted by this act upon those who shall make false musters.

Penalty on officer mustering persons by wrong names.

XXII. And whereas by the Petition of Right, in the third year of King Charles the First, it is enacted and declared, That the people of this land are not by the laws to be burthened with the sojourning of soldiers against their wills; and by a clause in an act of parliament made in the one and thirtieth year of the reign of King Charles the Second, for granting a supply to his Majesty of two hundred and six thousand four hundred sixty two pounds, seventeen shillings, and three pence, for paying and disbanding the forces, it is declared and enacted, That no officer, civil or military, nor other person whatsoever, should, from thenceforth, presume to place, quarter, or billet, any soldier or soldiers upon any subject or inhabitant of this realm, of any degree, quality, or profession whatsoever, without his consent; and that it shall and may be lawful for any subject, sojourner, or inhabitant, to refuse to quarter any soldier or soldiers, notwithstanding any demand or warrant, or billeting whatsoever: but so much as at this time, and during the continuance of this act, there is and may be occasion for the marching and quartering of regiments, troops, and companies, in several parts of this kingdom; be it further enacted by the authority aforesaid, That for and during the continuance of this act, and no longer, it shall and may be lawful to and for the constables, tythingmen, headboroughs, and other chief officers and magistrates of cities, towns, and villages, and other places, within England, Wales, and the town of Berwick upon Tweed, and in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, village, or place, and for no others; and such constables, and other civil magistrates as aforesaid, are hereby required to quarter and billet the officers and soldiers in his Majesty's service, in inns, livery stables, ale houses, victualling houses, and the houses of sellers of wine by retail to be drank in their own houses, or places thereunto belonging, and all houses of persons selling brandy, strong waters, cyder, or metheglin, by retail, to be drank in houses, other than and except the house or houses of any distillers, who keep houses or places of distilling brandy and strong waters, and the house of any shopkeeper, whose principal dealings shall be more in other goods and merchandizes, than in brandy and strong waters (so as such distillers and shopkeepers do not permit or suffer tippling in his or their houses) and in no other, and in no private houses whatsoever; nor shall any more billets at any time be ordered, than there are effective soldiers present to be quartered; and if any constable, tythingman, or such like officer or magistrate as aforesaid, shall presume to quarter or billet any such officer or soldier in any such private house, without the consent of the owner or occupier; in such case, such owner or occupier shall have his or their remedy at law against such magistrate or officer,

Constables, &c. to quarter officers and men in inns, ale-houses, &c.

But in no distillers houses, or shopkeepers, or in any private houses.

Penalty on constables, &c. quartering soldiers in private houses, &c.

Penalty on officers quartering soldiers contrary to this act, &c.

Persons aggrieved by being quartered on, may complain to any justices, and be relieved.

No justice having any military office to be concerned in billeting his soldiers.

Officers and soldiers to pay rates for their provisions.

officer, for the damage that such owner or occupier shall sustain thereby; and if any military officer shall take upon him to quarter soldiers otherwise than is limited and allowed by this act, or shall use or offer any menace or compulsion to or upon any mayors, constables, or other civil officers before mentioned, tending to deter and discourage any of them from performing any part of their duty hereby required or appointed: such military officer shall, for every such offence (being thereof convicted before any two or more of the next justices of the peace of the county, by the oath of two credible witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace of the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court martial; and in case any person shall find himself aggrieved, in that such constable, tythingman, or headborough, chief officer, or magistrate (such chief officer or magistrate not being a justice of the peace) has quartered or billeted in his house a greater number of soldiers than he ought to bear in proportion to his neighbours; and shall complain thereof to one or more justice or justices of the peace of the division, city, or liberty, where such soldiers are quartered; or in case such chief officer or magistrate shall be a justice of the peace, then on complaint made to two or more justices of the peace of such division, city, or liberty, such justices respectively shall have, and have hereby power to relieve such person, by ordering such and so many of the soldiers to be removed, and quartered upon such other person or persons, as they shall see cause; and such other person or persons shall be obliged to receive such soldiers accordingly.

XXIII. Provided also, and be it further enacted, That no justice or justices of the peace, having or executing any military office or commission in that part of *Great Britain* called *England*, shall or may, during the continuance of this act, directly or indirectly be concerned in the quartering, billeting, or appointing any quarters for any soldier or soldiers in the regiment, troop, or company, under the immediate command or commands of such justice or justices, according to the disposition made for quartering of any soldier or soldiers by virtue of this act; but that all warrants, acts, matters, or things, executed or appointed by such justice or justices of the peace, for or concerning the same, shall be void; any thing in this act contained to the contrary notwithstanding.

XXIV. Provided nevertheless, and it is hereby enacted, That the officers and soldiers so quartered and billeted as aforesaid, shall be received and furnished with diet and small beer by the owners of the inns, livery stables, ale-houses, victualling-houses, and other houses in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the sever-

ral rates herein after-mentioned to be payable out of the subsistence-money for diet and small beer.

XXV. Provided always, That in case any innholder or other person on whom any non-commission officers or soldiers shall be quartered by virtue of this act (except on a march, or employed in recruiting; and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and soldiers who are recruiting, and recruits by them raised) shall be desirous to furnish such non-commission officers or soldiers with candles, vinegar, and salt, and with either small beer or cyder, not exceeding five pints for each man *per diem, gratis*, and allow to such non-commission officers or soldiers the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and allow the same accordingly; then, and in such case the non-commission officers and soldiers so quartered shall provide their own victuals; and the officer to whom it belongs to receive, or that does actually receive the pay and subsistence of such non-commission officers and soldiers, shall pay the several sums herein after-mentioned to be payable out of the subsistence-money for diet and small beer, to the non-commission officers and soldiers aforesaid, and not to the innholder or other person on whom such non-commission officers and soldiers are quartered; any thing herein contained to the contrary notwithstanding.

What innholders may allow men quartered on them, instead of meat.

XXVI. Provided always, and be it enacted by the authority aforesaid, That if any officer shall take, or cause to be taken, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or soldiers, or any of them, in any house allowed by this act, every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever.

Penalty on officers taking money, to excuse the quartering.

XXVII. *And whereas great inconveniencies have arisen, and may arise, in such places where horse or dragoons are or may be quartered, by the billeting of the men and their horses at different houses, and often at great distances from one another, contrary to the true intent and meaning of this act;* be it therefore enacted by the authority aforesaid, That in all places where horse or dragoons shall be quartered or billeted in pursuance of this act, for the future the men and their horses shall be billeted in one and the same houses (except in case of necessity) and that in no other case whatsoever there be less than one man billeted where there shall be one or two horses, nor less than two men where there shall be four horses, and so in proportion for a greater number; and in such case each man shall be billeted as near his horse as possible.

Dragoons, &c. and their horses, to be billeted in the same house.

XXVIII. *And whereas some doubts have arisen, whether commanding officers of any regiment, troop, or company, may exchange any men or horses quartered in any town or place, with another man or horse quartered in the same place, for the benefit of the service;* be it declared and enacted by the authority aforesaid, That such exchange as above-mentioned may be made by such command-

Manner of changing men and horses.

ing officers respectively; provided the number of men, or horses, do not exceed the number at that time billeted on such house or houses; and the constables, tythingmen, headboroughs, and other chief officers, and magistrates of the cities, towns, and villages, or other places where any regiment, troop, or company shall be quartered, are hereby required to billet such men and horses so exchanged accordingly.

Clause relating to a soldier's settlement for his wife and children.

XXIX. And be it further enacted by the authority aforesaid, That it shall and may be lawful for any two or more justices of the peace for the county, town, or place, where any non-commission officer or soldier shall be quartered, in case such non-commission officer or private soldier have either wife, or child, or children, to cause such non-commission officer or soldier to be summoned before them, in the town or place where such non-commission officer or soldier shall be quartered, in order to make oath of the place of their last legal settlement; (which oath the said justices are hereby impowered to administer) and such non-commission officers and private soldiers as aforesaid, are hereby directed to obey such summons, and to make oath accordingly; and such justices are hereby required to give an attested copy of such affidavit so made before them, to the person making the same, to be by him delivered to his commanding officer, in order to be produced when required; which attested copy shall be at any time admitted in evidence, as to such last legal settlement, before any of his Majesty's justices of the peace, or at any general or quarter session of the peace: provided always, That in case any non-commission officer or private soldier shall be again summoned to make oath as aforesaid, then on such attested copy of the oath by him formerly taken, being produced by him, or by any other person on his behalf, such non-commission officer or soldier shall not be obliged to take any other or further oath, with regard to his legal settlement, but shall leave a copy of such attested copy of examination, if required.

Officers, &c. to be quartered in Scotland as the laws in force at the union direct.

XXX. And be it enacted by the authority aforesaid, That it shall and may be lawful to quarter officers and soldiers in *Scotland*, in such and the like places and houses as they might have been quartered in by the laws in force in *Scotland* at the time of the union; and that the possessors of such houses shall only be liable to furnish the said officers and soldiers quartered there, as by the said laws in force at the time of the union was provided; and that no officer shall be obliged to pay for his lodging, where he shall be regularly billeted, except in the suburbs of *Edinburgh*.

No paymaster, &c. to make deductions out of officers or soldiers pay.

XXXI. And be it further enacted by the authority aforesaid, That from and after the twenty fourth day of *March*, one thousand seven hundred and sixty one, no paymaster general, or paymaster of the army, paymaster of the marines, secretary at war, commissary, or muster-master, or any other officer whatsoever, or their under officers, shall receive any fees, or make any deductions whatsoever out of the pay of any officer or soldier in

his,

his Majesty's army, or from their agents, which shall grow due from and after the said twenty fourth day of *March*, one thousand seven hundred and sixty one, other than the usual deductions for clothing, and twelve pence in the pound to be disposed of as his Majesty shall think fit; and the one day's pay in the year for the use of the royal hospital at *Chelsea*, and such other necessary deductions as shall from time to time be directed by his Majesty under his royal sign manual. Exceptions.

XXXII. And for the encouragement of the due and well clothing of the troops, be it hereby further enacted, That the lord high treasurer, or the commissioners of the treasury for the time being, may, if he or they see convenient, at the end of every two months, issue the money due for the clothing of the several regiments, troops, and companies, notwithstanding the muster-rolls have not been duly returned: and the respective paymasters are hereby directed to make deductions of all off-reckonings, and to pay the same to such person or persons only as have a regular assignment for clothes by him or them delivered to the said regiment, troop, or company; and the receipt of such person or persons having or being lawfully intitled to such assignment, to be from time to time taken for the same; and when no such assignment appears, the off-reckonings to remain in the hands of the said paymaster respectively, for the use of the regiment, troop, or company, until a new contract for clothing and assignment is made. Treasury may issue out the money due for clothing, every 2 months. Paymasters to deduct the off-reckonings.

XXXIII. *And that the quarters both of officers and soldiers in Great Britain, and in Jersey, Guernsey, Alderney, and Sark, and the islands thereto belonging, may hereafter be duly paid and satisfied, and his Majesty's duties of excise better answered,* be it enacted by the authority aforesaid, That from and after the said twenty fourth day of *March*, one thousand seven hundred and sixty one, every officer to whom it belongs to receive, or that does actually receive, the pay or subsistence-money, either for a whole regiment, or particular troops and companies, or otherwise, shall immediately, upon each receipt of every particular sum which shall, from time to time, be paid, returned, or come to his or their hands, on account of pay or subsistence, give publick notice thereof to all persons keeping inns, or other places where officers or soldiers are quartered by virtue of this act; and shall also appoint the said innkeepers, and others, to repair to their quarters at such times as they shall appoint, for the distribution and payment of the said pay or subsistence-money to the officers or soldiers, which shall be within four days at the farthest after the receipt of the same, as aforesaid; and the said innkeepers, and others, shall then and there acquaint such officer or officers with the accounts or debts (if any shall be) between them and the officers and soldiers so quartered in their respective houses; which accounts the said officer or officers are hereby required to accept of, and immediately pay the same, before any part of the said pay or subsistence be distributed either to the officers or soldiers: provided the said accounts exceed not, for a commission Officers: to give notice to innkeepers of subsistence-money in their hands. Rates of subsistence to be

paid to inn-keepers, &c. for soldiers quarters.

Penalty on officers not paying subsistence-money.

On nonpayment of quarters, the officer to make up accounts, &c.

officer of horse, being under the degree of a captain, for such officer's diet and small beer, *per diem*, two shillings; nor for one commission officer of dragoons, being under the degree of a captain, for such officer's diet and small beer, *per diem*, one shilling; nor for one commission officer of foot, under the degree of a captain, for such officer's diet and small beer, *per diem*, one shilling; and if such officer shall have a horse or horses, for each horse or horses, for their hay and straw, *per diem*, six pence; nor for one light horseman's diet and small beer, *per diem*, six pence; and hay and straw for his horse, *per diem*, six pence; nor for one dragoon's diet and small beer, *per diem*, six pence; and hay and straw for his horse, *per diem*, six pence; nor for one foot-soldier's diet and small beer, *per diem*, four pence; and if any officer or officers, as aforesaid, shall not give notice as aforesaid, and shall not immediately, upon producing such account stated, satisfy, content, and pay the same; upon complaint and oath made thereof, by any two witnesses, at the next quarter sessions for the county or city where such quarters were (which oath the justices of the peace at such sessions are hereby authorized and required to administer) the paymaster or paymasters of his Majesty's guards and garrisons, and marines, are hereby required and authorized (upon certificate of the said justices before whom such oath was made, of the sum due upon such accounts, and the persons to whom the same is owing) to pay and satisfy the said sums out of the arrears due to the said officer or officers, upon penalty that such paymaster or paymasters shall forfeit their respective place or places of paymaster or paymasters, and be discharged from holding the same for the future: and in case there shall be no arrears due to the said officer or officers, then the said paymaster or paymasters are hereby authorized and required to deduct the sums he or they shall pay, pursuant to the certificate of the said justices, out of the next pay or subsistence-money of the regiment to which such officer or officers shall belong; and such officer or officers shall, for every such offence, or for neglecting to give notice of the receipt of such pay or subsistence-money, as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered. And where it shall happen that the subsistence-money due to any officer or soldier shall, by occasion of any accident, not be paid to such officer or soldier, or such officer or soldier shall neglect to pay the same, so that quarters cannot be, or are not paid, as this act directs; and where any horse, foot, or dragoons, shall be upon their march, so that no subsistence can then be remitted to them, to make payment as this act directs, or they shall neglect to pay the same; in every such case, it is hereby further enacted, That every such officer shall, before his or their departure out of his or their quarters, where such regiment, troop, or company shall remain for any time whatsoever, make up the accounts, as this act directs, with every person with whom such regiment, troop, or company shall have quartered, and sign a certificate thereof, and give the said certificate, so by him signed, to the party to whom such money is due, with

with the name of such regiment, troop, or company, to which he or they shall belong; to the end the said certificate may be forthwith transmitted to the paymaster of his Majesty's guards and garrisons, or to the paymaster of the marines, who are hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied to such regiment, troop, or company respectively, under pain as is before in this act directed for non-payment of quarters.

XXXIV. And be it further enacted, That no commissary shall muster any regiment, troop, or company, within the city of *Westminster*, and borough of *Southwark*, and liberties thereof, but in the presence of two or more justices of the peace, not being officers of the army, under the before-mentioned penalty; unless such justices, upon forty eight hours notice given to six of his Majesty's justices of the peace, residing within the city and liberties aforesaid respectively, shall neglect to attend such muster; and in case of such neglect, such commissary may proceed to muster such regiment, troop, or company: provided that oath be made before any of his Majesty's justices of the peace, within forty eight hours after such muster taken, that such notice was given to six justices of the peace, as aforesaid: which justices so attending, are hereby impowered to sign the said muster-rolls, and to take cognizance of such muster, and to examine the truth thereof, before they sign the same.

XXXV. And be it further enacted and declared by the authority aforesaid, That it shall and may be lawful to and for the high constables, petty constables, headboroughs, and tythingmen, within the said city and liberties of *Westminster*, and places adjacent, when thereunto lawfully required, to billet and quarter the officers and soldiers of his Majesty's said regiments of foot-guards, in such houses only, as by this act are limited, in and about the said city and liberties of *Westminster*, and places adjacent (except the city of *London*) during the continuance of this act: and when any order shall issue for the quartering or billeting any officers or soldiers within the said city and liberties of *Westminster*, and places adjacent, the high constable shall deliver out precepts to the several petty constables, headboroughs, or tythingmen of each parish, ward, hamlet, and district, within their respective divisions, to billet and quarter such officers and soldiers of his Majesty's regiments of foot-guards on such houses only as by this act is limited within his respective parish, hamlet, or district; and such petty constables, headboroughs, and tythingmen shall, in pursuance thereof, billet and quarter every such officer and soldier in such houses so subjected thereto by this act, equally and proportionably, according to the number of such officers and soldiers so to be billeted and quartered, and of the houses so subjected to receive them; and such officers and soldiers of the foot-guards, shall be quartered within the said city and liberties of *Westminster*, and the places adjacent, in the same manner, and under the same regulations, as in other

No muster in *Westminster*, &c. but in the presence of two or more justices.

Constables, &c. may billet soldiers in *Westminster*, &c.

Petty constables, &c. to quarter soldiers in their respective divisions.

parts of *England*, in all cases, for which particular provision is not made by this act.

XXXVI. *And, for the better preventing abuses in billeting and quartering such officers and soldiers in the said city and liberties of Westminster, and parts adjacent*, be it enacted by the authority

Constables, &c. to deliver lists at quarter sessions, on oath, of inhabitants, and soldiers quartered in their respective divisions;

aforesaid, That the petty constables, headboroughs, and tythingmen of their respective parishes, wards, hamlets, and districts within the same, shall, at every general quarter sessions of the peace, to be holden for the said city and liberties of *Westminster*, and parts adjacent, make and deliver to the justices, then in open sessions assembled, upon oath (which oath they the said justices are hereby authorized and required to administer) true lists signed by them respectively of all such houses, together with the number of all such persons respectively inhabiting the same, within his or their parish, ward, hamlet, or district respectively, as are subject and liable by this act to receive such officers and soldiers, together with the number of all such officers and soldiers as are quartered and billeted in each house respectively;

to be inspected without fee.

and such lists shall remain with the clerk of the peace of the said city and liberties of *Westminster*, to the intent that all and every person and persons shall and may be at liberty to inspect the same without fee or reward; and such clerk shall forthwith, from time to time, make and deliver to every or any person or persons who shall require the same, true copies of all and every or any such lists, upon being paid two pence a sheet for each and every such copies so taken, each sheet to be computed at, and contain one hundred and fifty words; and if default or neglect shall be made by any petty constable, headborough, or tythingman of any such parish, ward, hamlet, or district in the delivering such list to the justices at their quarter sessions, as aforesaid, or if he or they shall so deliver or cause to be delivered in, any false or defective list, not including and specifying therein all and every such house and houses so liable by this act to receive such officers and soldiers, or the names of all such officers and soldiers as are quartered and billeted in each house respectively; such petty constable, headborough, and tythingman, or any of them, so offending therein, shall, for each such offence, forfeit each the sum of five pounds, to the use of the poor of such respective parishes, wards, hamlets, and districts, to be levied by distress and sale of the offender's goods and chattels, by warrant or warrants under the hand and seal, or hands and seals, of one or more of his Majesty's justice or justices of the peace for the said city of *Westminster*, or for the county of *Middlesex* (which warrant or warrants the said justice or justices is and are hereby empowered and required to make and issue) and for want of sufficient distress to be found for that purpose, the said justice or justices is and are hereby empowered and required, by warrant or warrants under his or their hands and seals, to commit the person or persons so offending to the common gaol of the said city of *Westminster*, or county of *Middlesex*, there to remain for any time to be limited by such justice or justices,

Copies of such lists to be wrote by the clerk, at 2 d. per sheet, containing 150 words.

Penalty on default.

Penalty on giving defective lists.

How to be levied.

Justices, not exceeding three months, and not less than one month, without bail or mainprize.

XXXVII. And be it further enacted by the authority afore-
said, That this act shall be construed to extend to the islands of *Jersey*, *Guernsey*, *Alderney*, and *Sark*, and the islands thereto belonging, as to the clauses therein for mustering and paying, and the penalties thereto belonging. This act to extend to Jersey, &c.

XXXVIII. And be it further enacted by the authority afore-
said, That the commissary general of the musters, or his deputy, shall, upon every muster taken by him or them respectively of any regiment, troop, or company, in his Majesty's service, close the muster-rolls of the said regiment, troop, or company, upon the place, the same day the muster is taken; and shall return one of every of the said rolls so taken in parchment, to the paymaster general of his Majesty's guards and garrisons, or to such paymaster respectively, under whose care the payment of such forces shall be; and one of the said rolls so taken, to the comptroller or comptrollers of the accounts of the army, the fourth day after the said rolls shall respectively be closed, if in *London*, or within twenty miles distance from the same; and if at further distance, by the next post after the said rolls shall be respectively closed; and no alterations or indorsements shall be made in or upon the said muster-rolls, other than in the case of orders of leave, or dates of commissions, and other than involuntary errors or literal mistakes in writing or transcribing the said muster-rolls, upon pain of forfeiting their respective employments, and the sum of twenty pounds, to any person that will sue for the same, for every such offence. Muster-rolls to be closed on day of muster, and returned to the paymaster of the forces, &c.

XXXIX. And be it further enacted by the authority afore-
said, That for the better and more regular provision of carriages for his Majesty's forces in their marches, or for their arms, clothes, or accoutrements, in *England*, *Wales*, and the town of *Berwick upon Tweed*, all justices of the peace, within their several counties, ridings, divisions, shires, liberties, and precincts, being duly required thereunto by an order from his Majesty, or the general of his forces, or the master general or lieutenant general of his Majesty's ordnance, shall, as often as such order is brought and shewn unto one or more of them by the quartermaster, adjutant, or other officer of the regiment, detachment, troop, or company, so ordered to march, issue out his or their warrants to the constables, or petty constables of the division, riding, city, liberty, hundred, and precinct, from, through, near, or to which such regiment, detachment, troop, or company shall be ordered to march; requiring them to make such provision for carriages with able men to drive the same, as is mentioned in the said warrant, allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burthen; and in case sufficient carriages cannot be provided within any such liberty, division, or precinct; then the next justice or justices of the peace of the county, riding, or division, shall, upon such order as aforesaid, being brought or shewn to

Rates for car-
riages.

Penalty on of-
ficers forcing
waggons to
travel more
than one day's
journey, &c.

Penalty on
constables,
&c. neglect.

one or more of them, by any of the officers aforesaid, issue his or their warrants to the constables or petty constables of such next county, riding, liberty, division, or precinct, for the purposes aforesaid, to make up such deficiency: and the aforesaid officer or officers, who by virtue of the aforesaid warrant from the justices of the peace, are to demand the carriage or carriages therein mentioned, of the constable or petty constable to whom the warrant is directed, is and are hereby required at the same time to pay down in hand to the said constable or petty constable, for the use of the person who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses shall travel; and the sum of one shilling for every mile any wain with six oxen, or four oxen with two horses, shall travel; and the sum of nine pence for every mile any cart with four horses shall travel; and so in proportion for less carriages; for which respective sums so received, the said constable or petty constable is hereby required to give a receipt in writing to the person or persons paying the same: and such constable or petty constable shall order and appoint such person or persons, having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid, who are hereby required to provide and furnish the same accordingly: and if any military officer or officers, for the use of whose troop or company the carriage was provided, shall force and constrain any waggon, wain, cart, or carriage, to travel more than one day's journey, or shall not discharge the same in due time for their return home, or shall suffer any soldier or servant (except such as are sick) or any woman to ride in the waggon, wain, cart, or carriage aforesaid, or shall force any constable or petty constable, by threatenings or menacing words, to provide saddle horses for themselves or servants, or shall force horses from the owners by themselves, servants, or soldiers; every such officer, for every such offence, shall forfeit the sum of five pounds; proof thereof being made upon oath before two of his Majesty's justices of the peace of the same county or riding, who are to certify the same to the paymaster general, or other respective paymaster of his Majesty's forces, who is hereby required to pay the aforesaid sum of five pounds according to the order and appointment under the hands and seals of the aforesaid justices of the peace of the same county, or riding, who are hereby empowered to deduct the same out of such officer's pay.

XL. And be it enacted by the authority aforesaid, That if any high constable or petty constable shall wilfully neglect or refuse to execute such warrants of the justices of the peace, as shall be directed unto them for providing carriages as aforesaid; or if any person or persons, appointed by such constable or petty constable to provide or furnish any carriage and man, shall refuse or neglect to provide the same; or any other person or persons whatsoever shall wilfully do any act or thing, whereby the execution of the said warrant shall be hindered or frustrated; every such

such constable, or other person or persons so offending, shall, for every such offence, forfeit any sum not exceeding forty shillings, nor less than twenty shillings, to the use of the poor of the parish where any such offence shall be committed: and all and every such offence and offences shall and may be enquired of, heard, and fully determined, by two of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

XL I. *And whereas the respective sums of money by this act appointed to be paid to the constable by the officers demanding such carriages, are not, in many cases, sufficient to answer the charge and expence of providing the same, insomuch that the said constables are frequently at great charges, over and above what is received by them of the said officers, to the great burthen of the township of which he is constable, or else the persons performing such carriages are grievously oppressed; for remedy whereof, and that the said overplus charge may be borne by each county or riding, at the general charge of such county or riding, be it further enacted by the authority aforesaid, That the treasurer or treasurers of each respective*

Treasurers of the county to repay the constable's extraordinary charges.

XLII. *And in case the said publick stock of the county or riding be not sufficient (over and above the other purposes for which it was raised) to satisfy the extraordinary charge of carriages before-mentioned; it is hereby further enacted, That the said justices of the peace in the general quarter sessions shall have power, from time to time, to raise monies upon the respective counties or ridings in such manner as they now raise monies for county gaols and bridges, to satisfy the said extraordinary charge of carriages.*

The money for those purposes how to be raised.

XLIII. *Provided always, and be it further enacted, That no waggon, wain, cart, or carriage, impressed by authority of this act, shall be liable or obliged, by virtue of this act, to carry above twenty hundred weight; any thing in this act contained to the contrary notwithstanding.*

No waggon, &c. to carry above 20 hundred weight.

XLIV. *And be it further enacted, That the carriages for the service of the forces from time to time quartered or marching in Scotland, shall be provided in like manner, and at the rates, and*

Carriages in Scotland how to be provided.

the

the furnisher of such carriages shall be paid, as was directed by the law in force in *Scotland*, at the time of the union.

Soldiers wives,
&c. not to be
quartered
without con-
sent.

Penalty.

XLV. And be it enacted by the authority aforesaid, That if any officer, military or civil, by this act authorized to quarter soldiers in any houses hereby appointed for that purpose, shall at any time, during the continuance of this act, quarter any of the wives, children, men or maid-servants of any officer or soldier in any such houses, against the consent of the owners; the party offending, if an officer of the army, shall, upon complaint and proof thereof made to the commander in chief of the army, or judge advocate, be *ipso facto* cashiered; and if a constable, tythingman, or other civil officer, he shall forfeit to the party aggrieved twenty shillings, upon complaint and proof thereof made to the next justice of the peace, to be levied by warrant of such justice, by distress and sale of his goods, rendering the overplus to the party, after deducting reasonable charges in taking the same.

Penalty on of-
ficers or soldi-
ers destroy-
ing the game.

Penalty.

XLVI. And for the better preservation of the game, in or near such place, where any officers or soldiers shall at any time be quartered; be it enacted by the authority aforesaid, That if, from and after the said twenty fourth day of *March*, one thousand seven hundred and sixty one, any officer or soldier shall, without leave of the lord of the manor, under his hand and seal, first had and obtained, take, kill, or destroy, any hare, coney, pheasant, partridge, pigeon, or any other sort of fowls, poultry, or fish, or his Majesty's game, within the kingdom of *Great Britain*; and upon complaint thereof shall be, upon oath of one or more credible witness or witnesses, convicted before any justice or justices of the peace, who is and are hereby empowered and authorized to hear and determine the same; (that is to say) every officer so offending shall, for every such offence, forfeit the sum of five pounds, to be distributed among the poor of the place where such offence shall be committed; and every officer commanding in chief upon the place, for every such offence committed by any soldier under his command, shall forfeit the sum of twenty shillings, to be paid and distributed in manner aforesaid: and if, upon conviction made by the justices of the peace, and demand thereof also made by the constable or overseers of the poor, such officer shall refuse or neglect, and not within two days pay the said respective penalties, such officer so refusing or neglecting shall forfeit, and is hereby declared to have forfeited, his commission, and his commission is hereby to be null and void.

How the ac-
count of every
regiment shall
be kept.

XI.VII. And be it enacted, That there shall be an exact account of all monies due, according to the muster-rolls, to every regiment in his Majesty's service, made between the paymaster general, or other respective paymasters of the forces for the time being, and the colonel of every such regiment, or the agent by such colonel respectively appointed and authorized to receive the pay thereof, from time to time (that is to say) when four months become due, an account shall be stated as aforesaid, for the

the two preceding months; and after the said account shall be so made up and perfected, it shall be registered in a book to be kept for that purpose in the pay-office, and there subscribed by such paymaster general, or other respective paymaster, or his deputy, and the colonel or agent of the regiment, who, together with the said paymaster, made up the same; and a duplicate thereof, by them respectively signed, shall be given to the said colonel or agent, without any fee or reward to be paid for the same: which colonel or agent shall deliver to each captain of the regiment an account of so much thereof as respectively appertained to him, and his troop or company, and the inferior officers or soldiers thereof; and the balance which shall remain upon making up every such account as aforesaid, and also all other money as then shall become due to every such regiment, shall be, by the said paymaster general, or other respective paymaster, paid to the said colonel or agent respectively, at such time as his Majesty shall direct: and the paymaster general, or other respective paymaster for the time being, offending herein, shall forfeit, for every such offence, one hundred pounds to any person or persons who shall inform or sue for the same in any of his Majesty's courts of record: and if any deputy of the said paymaster, or any agent of a regiment, shall offend in the premises, upon proof thereof made, such deputy or agent shall *ipso facto* lose his place, and be incapable of that or any other office for the future, and shall be liable to pay two hundred pounds to any person who shall inform or sue for the same, by action, bill, suit, or information, in any court of record at *Westminster*, wherein no *essoyn*, protection, wager of law, or more than one imparlance, shall be allowed: and if any colonel of a regiment shall offend therein, such colonel shall forfeit, for every such offence, one hundred pounds, to any person or persons who shall sue for the same, to be recovered as aforesaid.

Penalty on
paymaster, &c.

Penalty on
colonels.

XLVIII. And be it further enacted by the authority aforesaid, That every non-commission officer who shall be convicted at a general or regimental court-martial, of having embezzled or misapplied any money with which he may have been intrusted for the payment of the men under his command, or for insisting men into his Majesty's service, shall be reduced to serve in the ranks as a private soldier, be put under stoppages until the money be made good, and suffer such corporal punishment (not extending to life or limb) as the court-martial shall think fit.

Non-commission officer
embezzling
soldier's pay,
&c. to be reduced, &c.

XIX. And whereas several soldiers being duly listed do afterwards desert, and are often found wandering, or otherwise absenting themselves illegally from his Majesty's service; it is hereby further enacted, That it shall and may be lawful to and for the constable, headborough, or tythingman of the town or place, where any person, who may be reasonably suspected to be such a deserter, shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace, living in or near such town or place, who hath hereby power to examine such suspected person; and if by

Justices may
commit deserters.

his

his confession, or the testimony of one or more witnesses or witnesses upon oath, or by the knowledge of such justice of the peace, it shall appear or be found, that such suspected person is a lifted soldier, and ought to be with the troop or company to which he belongs; such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found; or to the house of correction, or other publick prison in such town or place where such deserter shall be apprehended; or to the *Savoy*, in case such deserter shall be apprehended within the city of *London*, or *Westminster*, or places adjacent; and transmit an account thereof to the secretary at war for the time being, to the end such person may be proceeded against according to law: and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of such deserter or deserters, during the time that he or they shall continue in his custody, for the maintenance of the said deserter or deserters; but shall not be intitled to any fee or reward, on account of the imprisonment of such deserter or deserters; any law, usage, or custom, to the contrary notwithstanding.

Reward for
taking up de-
serters.

L. And, for the better encouragement of any person or persons to secure or apprehend such deserters as aforesaid, be it further enacted by the authority aforesaid, That such justice of the peace shall also issue his warrant in writing to the collector or collectors of the land tax money of the parish or township where such deserter shall be apprehended, for paying out of the land tax money arising or to arise in the year one thousand seven hundred and sixty one, into the hands of such person who shall apprehend, or cause to be apprehended, any deserter from his Majesty's service, the sum of twenty shillings for every deserter that shall be so apprehended and committed; which sum of twenty shillings shall be satisfied by such collector to whom such warrant shall be directed, and allowed upon his account.

Penalty on
persons con-
cealing desert-
ers, or buying
their arms,
clothes, &c.

LI. Provided always, That if any person shall harbour, conceal, or assist any deserter from his Majesty's service, knowing him to be such; the person so offending shall forfeit, for every such offence, the sum of five pounds; or if any person shall knowingly detain, buy, or exchange, or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or any other person, upon any account or pretence whatsoever, or cause the colour of such clothes to be changed; the person so offending shall forfeit for every such offence the sum of five pounds; and upon conviction by the oath of one or more credible witness or witnesses, before any of his Majesty's justices of the peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first-mentioned penalty of five pounds to be paid to the informer, by whose means such deserter shall be apprehended; and one moiety of the said last-mentioned penalty of five pounds to be paid to the informer; and the residue of the

the said respective penalties to be paid to the officer to whom any such deserter or soldier did belong: and in case any such offender, who shall be convicted, as aforesaid, of harbouring or assisting any such deserter or deserters; or having knowingly received any arms, clothes, caps, or other furniture belonging to the King; or having caused the colour of such clothes to be changed, contrary to the intent of this act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence; or shall not pay such penalties within four days after such conviction; then, and in such case, such justice of the peace shall and may, by warrant under his hand and seal, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such offender to be publicly whipt, at the discretion of such justice.

LII. Provided always, That no commission officer shall break open any house to search for deserters, without warrant from a justice of the peace; and that every commission officer who shall without warrant from one or more of his Majesty's justices of the peace (which said warrants the said justice or justices are hereby impowered to grant) forcibly enter into, or break open the dwelling-house or out-houses of any person whatsoever under pretence of searching for deserters, shall, upon due proof thereof, forfeit the sum of twenty pounds.

Penalty on officer breaking open house without warrant.

LIII. Provided always, That it shall and may be lawful to and for his Majesty, to form, make, and establish articles of war for the better government of his Majesty's forces, and for bringing offenders against the same to justice; and to erect and constitute courts-martial, with power to try, hear, and determine any crimes or offences by such articles of war, and inflict penalties by sentence or judgement of the same, as well within the kingdoms of *Great Britain* and *Ireland*, *Jersey*, *Guernsey*, *Alderney*, and *Sark*, and the islands thereto belonging, as in the island of *Minorca*, his Majesty's garrison of *Gibraltar*, and in any of his Majesty's dominions beyond the seas.

His Majesty impowered to make articles of war.

LIV. Provided always, That no person or persons shall be adjudged to suffer any punishment, extending to life or limb, by the said articles of war, within the kingdom of *Great Britain* and *Ireland*, *Jersey*, *Guernsey*, *Alderney*, and *Sark*, and the islands thereto belonging, except such crimes as are expressed to be so punishable by this act.

None to be adjudged of life or limb, but for crimes expressed to be so punishable by this act.

LV. Provided always, and be it further enacted, That if any officer or soldier shall desert his Majesty's service in any of his Majesty's dominions beyond the seas, or elsewhere beyond the seas, and shall escape and come into this realm, or *Ireland*, or into *Jersey*, *Guernsey*, *Alderney*, or *Sark*, or the islands thereto belonging, before he be tried by a court-martial for such offence, and shall be apprehended for the same; such officer or soldier shall be tried for the same, as if the said offence had been committed within this realm.

Deserters beyond sea &c. may be tried here or in Ireland.

This act to extend to deserters, &c. in Ireland, &c.

LVI. Provided always, That so much of this act as relates to the punishment of mutineers and deserters, within this realm, and such who shall conceal deserters, or shall knowingly buy, exchange or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any soldier or deserter, or cause the colour of such clothes to be changed, shall extend, to all intents and purposes whatsoever, to such governors, or other officers in garrisons, and forces, as his Majesty has now in pay, or shall have in pay in *Ireland*, or in *Jersey*, *Guernsey*, *Alderney*, or *Sark*, and the islands thereto belonging, and shall be put in execution in that kingdom, by all justices of the peace, and other officers respectively, according to the tenor of, and during the continuance of this act.

Persons acquitted by the civil magistrate, may only be cashiered by a court-martial.

LVII. Provided also, That no person or persons being acquitted or convicted of any capital crimes, violences, or offences, by the civil magistrate, shall be liable to be punished by a court-martial for the same, otherwise than by cashiering.

Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c.

LVIII. Provided also, That if any officer, non-commission officer or soldier, shall be accused of any capital crime, or of any violence or offence against the person, estate, or property of any of his Majesty's subjects, which is punishable by the known laws of the land; the commanding officer or officers of every regiment, troop, company, or party, is and are hereby required to use his utmost endeavours to deliver over such accused person to the civil magistrate; and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial: and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in the apprehending such offender; every such officer so offending, and being thereof convicted before any two or more justices of the peace for the county where the fact is committed, by the oath of two credible witnesses, shall be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace for the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial.

Paymasters, &c. to account with executors.

LIX. Provided always, and be it enacted by the authority aforesaid, That every present and future paymaster, agent, or clerk of any garrison, regiment, troop, or company, who is or shall be liable to account with any of the executors and administrators of every officer or soldier, for any of the pay of such officer or soldier, by him or them received; shall, on reasonable demand made by such executor or administrator, deliver a just and true account to any such executor or administrator, of such sum or sums of money as he or they shall have so respectively received for such officer or soldier, and for which they ought so to account

account as aforesaid, such executor or administrator paying for the same; and shall account with such executor or administrator for the same; and that every such paymaster, agent, or clerk of any garrison, regiment, troop, or company, offending herein, shall forfeit the like penalties, and to be recovered in like manner as appointed by this act, for such colonels or agents not giving due accounts of or for the pay of the said officers or soldiers, to and for such officers and soldiers themselves.

LX. And be it further enacted by the authority aforesaid, That if any action, bill, plaint, or suit shall be brought against any person or persons, for any act, matter or thing, to be acted or done in pursuance of this act, that it shall and may be lawful to and for all and any person or persons sued as aforesaid, to plead thereunto the general issue, that he or they are not guilty, and to give such special matter in evidence to the jury which shall try the issue; which special matter, being pleaded, had been a good and sufficient matter in law to have discharged the said defendant or defendants of the trespass or other matter laid to his or their charge: and if the verdict shall pass with the said defendant or defendants in any such action, the plaintiff or plaintiffs therein become nonsuit, or suffer any discontinuance thereof; that in every such case the justice or justices, or such other judge, before whom the said matter shall be tried, shall by force and virtue of this act allow unto the defendant or defendants his or their treble costs, which he or they shall have sustained by reason of their wrongful vexation in defence of the said action or suit, for which the said defendant or defendants shall have the like remedy as in other cases, where costs by the laws of this realm are given to defendants.

LXI. And be it further enacted by the authority aforesaid, That every bill, plaint, action, or suit, against any person or persons, for any act, matter, or thing, to be acted or done in pursuance of this act, or against any member or minister of a court-martial, in respect of any sentence of such court, or of any thing done by virtue or in pursuance of such sentence, shall be brought in some of the courts of record at *Westminster* or *Dublin*, or the court of session in *Scotland*, and in no other court whatsoever.

LXII. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall be and continue in force within the realm of *Great Britain*, from the said twenty fourth day of *March*, in the year of our Lord one thousand seven hundred and sixty one, until the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and sixty two; and shall be and continue in force within the kingdom of *Ireland*, and in *Jersey*, *Guernsey*, *Alderney* and *Sark*, and the islands thereto belonging, from the said twenty fourth day of *March*, in the year of our Lord one thousand seven hundred and sixty one, until the first day of *May*, one thousand seven hundred and sixty two; and shall be and continue in force, within the island of *Minorca*, and garrison of *Gibraltar*, and in his Majesty's other dominions beyond the seas, from the said

twenty fourth day of *March*, in the year of our Lord one thousand seven hundred and sixty one, until the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and sixty three.

Penalties against the act of George I. where to be sued for,

LXIII. *And whereas by an act of the first year of the reign of his late majesty King George the First, intituled, An act for the more effectual and exemplary punishment of such persons as shall seduce soldiers to desert; or, being papists, shall enlist themselves in his Majesty's service in Great Britain or Ireland, or in the islands of Guernsey, Jersey, Alderney, or Sark, or the islands thereto belonging; it is enacted, That any person or persons whatsoever, who shall directly or indirectly persuade or procure, or endeavour to persuade or procure, any soldier or soldiers in the service of his Majesty, or of his heirs and successors, to desert; such person or persons so offending, and being thereof lawfully convicted, shall forfeit the sum of forty pounds: now be it enacted, That for such offences as shall be committed against the said recited act, within that part of Great Britain called England, the penalties thereby enacted shall be sued for and recoverable, in any of his Majesty's courts of record at Westminster; and for such offences against the said act, as shall be committed in that part of Great Britain called Scotland, the same shall be sued for, and recoverable, in his Majesty's courts of exchequer in Scotland; and for such offences against the said act as shall be committed in Ireland, the same shall and may be sued for, and recoverable, in any of the four courts at Dublin; and for such offences against the said act as shall be committed within the islands of Guernsey, Alderney, and Sark, and the islands thereto belonging, the same shall and may be sued for, and recoverable, in the royal court of Guernsey; and for such offences against the said act as shall be committed within the island of Jersey, the same shall and may be sued for, and recoverable, in the royal court of Jersey, any thing in the said recited act to the contrary thereof in any wise notwithstanding.*

No volunteer liable to process, unless for some criminal matter,

or unless for a real debt of the value of 10l.

Oath of the debt to be made before a judge,

LXIV. *And to prevent, as far as may be, any unjust or fraudulent process that may be made upon soldiers, whereby his Majesty and the publick may be deprived of their service; it is hereby further enacted by the authority aforesaid, That no person whatsoever, who is or shall be lifted, or shall lift and enter himself as a volunteer in his Majesty's service, as a soldier, either in the kingdom of Great Britain or Ireland, or in Jersey, Guernsey, Alderney, or Sark, or the islands thereto belonging, or in any of his Majesty's plantations, during the continuance of this act, shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal matter, unless for a real debt, or other just cause of action; and unless, before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court, out of which such process or execution shall*

shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum, justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be issued out, amounts to the value of ten pounds at least, over and above all costs of suit in the same action, or in any other action on which the same shall be grounded; a memorandum of which oath shall be marked on the back of such process and marked on the back of the process. or writ; for which memorandum or oath no fee shall be taken: and if any person shall nevertheless be arrested contrary to the intent of this act, it shall and may be lawful for one or more judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties, or otherwise, and by warrant under his or their hands and seals, to discharge such soldier so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such soldier so arrested, was legally listed as a soldier in his Majesty's service, and arrested contrary to the intent of this act, and also to award to the party so complaining, such costs as such judge or judges shall think reasonable: for the recovery whereof, he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgement had been given for him with costs against the defendant in the said action.

LXV. *And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entered into, and listed in his Majesty's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits; and instead of an arrest, which may at once hurt the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy and cheap method; be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause in action to such person or persons so listed, or left at his or their last place of residence before such listing, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to intitle such plaintiff to proceed therein to judgement and outlawry, and to have an execution thereupon, other than against the body or bodies of him or them so listed as aforesaid; this act, or any thing herein, or any former law or statute, to the contrary notwithstanding.*

Plaintiff may file a common appearance.

LXVI. And be it further enacted by the authority aforesaid, That if any high constable, constable, bedel, or other officer or person whatsoever, who, by virtue or colour of this act, shall quarter or billet, or be employed in quartering or billeting, any officers or soldiers, shall neglect or refuse, for the space

Penalty on taking money to excuse any person from quartering,

or victuallers
refusing to
quarter sol-
diers.

of two hours, to quarter or billet such officers or soldiers when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of such troops; or shall receive, demand, contract, or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse any person or persons whatsoever from quartering or receiving into his, her, or their house or houses any such officer or soldier; or in case any victualler, or any other person, liable by this act to have any officer or soldier billeted or quartered on him or her, shall refuse to receive or victual any such officer or soldier, so quartered or billeted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the directions of this act, the several things herein before respectively directed to be furnished or allowed to non commission officers and soldiers so quartered or billeted on him or her as aforesaid, or shall neglect or refuse to furnish good and sufficient hay and straw for each horse so quartered or billeted on him or her as aforesaid, at the rate herein before mentioned, and shall be thereof convicted before any one or more justice or justices of the peace of the county, city, or liberty, within which such offence shall be committed, either by his own confession, or by the oath of one or more credible witness or witnesses (which oath the said justice or justices is and are hereby empowered to administer) every such high constable, constable, bedel, or other officer or person so offending, shall forfeit, for every such offence, the sum of five pounds, or any sum of money not exceeding five pounds, nor less than forty shillings (as the said justice or justices, before whom the matter shall be heard, shall, in his or their discretion, think fit) to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal, or hands and seals, of such justice or justices, before whom such offender shall be convicted, or of one or more of them, to be directed to any other constable within the county, city, or liberty, or to any of the overseers of the poor of the parish where the offender shall dwell; the said sum of five pounds, or the said sum not exceeding five pounds, nor less than forty shillings, when levied, to be paid to the overseers of the poor of the parish wherein the offence shall be committed, or to some one of them, for the use of the poor of the said parish.

Justices may
order constables to give
an account of
the number of
soldiers quar-
tered, &c.

LXVII. *And, for the better preventing abuses in quartering or billeting the soldiers, in pursuance of this act;* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace, within their respective counties, cities, or liberties, by warrant or order under his or their hand and seal, or hands and seals, at any time or times during the continuance of this act, to require and command any high constable, constable, bedel, or other officer, who shall quarter or billet any soldiers in pursuance of this act, to give an account in writing unto the said justice or justices requiring the same, of the number of officers and soldiers

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ers who shall be quartered or billeted by them, and also the names of the housekeepers or persons, upon whom every such officer or soldier shall be quartered or billeted, together with an account of the street or place where every such housekeeper dwells, and of the signs (if any) belonging to their houses; to the end it may appear to the said justice or justices where such officers and soldiers are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billeting of them.

LXVIII. And be it further enacted, That where any troops or parties upon command have occasion in their march to pass regular ferries in that part of *Great Britain* called *Scotland*, it shall and may be lawful for the commanding officer, either to pass over with his party as passengers, or to hire the ferry boat intire to himself and his party, debarring others for that time, in his option; and in case he shall choose to take passage for himself and party as passengers, he shall only pay for himself, and for each person, officer, or soldier, under his command, half of the ordinary rate payable by single persons at any such ferry; and in case he shall hire the ferry boat for himself and party, he shall pay half of the ordinary rate for such boat or boats; and in such places where there are no regular ferries, but that all passengers hire boats at the rate they can agree for, officers, with or without parties, are to agree for boats, at the rate as other persons do in the like cases.

How the troops are to pay in passing over ferries in Scotland.

LXIX. Provided nevertheless, and it is hereby declared by the authority aforesaid, That from and after the twenty fifth day of *March*, one thousand seven hundred and sixty one, when and as often as any person or persons shall be inlisted as a soldier or soldiers in his Majesty's land service, he and they shall, within four days, but not sooner than twenty four hours, after such inlisting respectively, be carried before the next justice of the peace of any county, riding, city, or place, or chief magistrate of any city or town corporate (not being an officer in the army) and before such justice or chief magistrate, he or they shall be at liberty to declare his or their dissent to such inlisting; and upon such declaration, and returning the inlisting-money, and also each person so dissenting paying the sum of twenty shillings for the charges expended or laid out upon him, such person or persons so inlisted shall be forthwith discharged and set at liberty, in the presence of such justice or chief magistrate; but if such person or persons shall refuse or neglect, within the space of twenty four hours, to return and pay such money, as aforesaid, he or they shall be deemed and taken to be inlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; or if such person or persons shall declare his or their having voluntarily inlisted himself or themselves, then such justice or chief magistrate shall, and he is hereby required forthwith to certify under his hand, that such person or persons is or are duly inlisted; setting forth the place of the birth, age, and calling of him or them respectively (if

Clause for relief of persons hastily inlisting themselves.

known) and that the second and sixth sections of the articles of war against mutiny and desertion were read to him or them, and that he or they had taken the oath mentioned in the said articles of war; and if any such person or persons, so to be certified as duly enlisted, shall refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer, from whom he has received such money, as aforesaid, to detain or confine such person or persons, until he or they shall take the oath before required; and every military officer that shall act contrary hereto, or offend herein, shall incur the like penalty and forfeiture, as is by this act to be inflicted upon any officer for making a false and untrue muster; and the penalty and forfeiture shall be levied and recovered in the same manner as any penalties or forfeitures are by this act to be levied and recovered.

Persons refusing the said relief to be proceeded against, as if duly listed.

LXX. And be it further enacted by the authority aforesaid, That if any person or persons shall receive the enlisting-money from any officer (knowing it to be such) and shall abscond or refuse to go before such justice or chief magistrate, in order to declare his assent or dissent, as aforesaid; such person or persons shall be deemed and taken to be enlisted to all intents and purposes whatsoever; and shall and may be proceeded against, as if he or they had taken the oath directed by the said articles of war to be taken before such justice or chief magistrate.

Offences against former acts punishable by this act.

LXXI. And, in order to prevent all doubts that may arise in relation to punishing crimes and offences committed against former acts of parliament, for punishing mutiny and desertion, and for the better payment of the army and their quarters; be it enacted by the authority aforesaid, That all crimes and offences which have been committed against any act for the punishing mutiny and desertion, and for the better payment of the army and their quarters, shall and may, during the continuance of this present act, be inquired of, heard, tried, and determined, adjudged, and punished, before and by the like courts, persons, powers, authorities, ways, means, and methods, as the like crimes and offences, committed against this present act, may be inquired of, heard, tried, determined, adjudged, and punished.

None liable to be tried or punished for offences against former acts, unless committed within 3 years; except for desertion.

LXXII. Provided always, That no person shall be liable to be tried or punished for any offence against any of the said acts, unless such offence shall have been committed within three years; except only for the offence of desertion.

Officers, &c. of the train of artillery subject to this act.

LXXIII. And whereas it may otherwise be doubted, whether the officers and persons employed in the trains of artillery, be within the intent and meaning of this act, for punishing of officers and soldiers who shall mutiny, or desert his Majesty's service, and for punishing false musters, and for payment of quarters; it is hereby enacted by the authority aforesaid, That the officers and persons employed or that shall be employed, in the several trains of artillery, be at all times subject to all the penalties and punishments mentioned in this act, and shall in all respects whatsoever be holder

to be within the intent and meaning of every part of this act, during the continuance of the same.

LXXIV. *And whereas great mischief and inconvenience may arise, if it should be doubted whether troops in pay, raised in any of the British provinces in America, by authority of the respective governors or governments thereof, are, while acting in conjunction with his Majesty's British forces, under the command of an officer having a commission immediately from his Majesty, liable to the same rules and articles of war, and the same penalties and punishments, as the British forces are subject to: To prevent such mischief, and to remove all doubts; be it declared and enacted by the authority aforesaid, That all officers and soldiers of any troops, being mustered and in pay, which are or shall be raised in America as aforesaid, shall at all times, and in all places, when they happen to join, or act in conjunction with, his Majesty's British forces, be liable to martial law and discipline, in like manner to all intents and purposes, as the British forces are, and shall be subject to the same trial, penalties, and punishments.*

American troops, acting in conjunction with British forces, liable to the same martial laws.

LXXV. *And whereas the officers and soldiers of the said troops, being taken prisoners in America, are frequently sent over to Great Britain in a very distressed condition: and whereas their pay is not sufficient to provide them with necessary lodgings and accommodations; be it enacted by the authority aforesaid, That, during the continuance of this act, it shall be lawful for the constables, and other civil magistrates, within England, Wales, and the town of Berwick upon Tweed, to quarter and billet the officers and soldiers of the said American troops in all such houses as are liable by this act to receive the officers and soldiers of his Majesty's British forces: and the said constables, and other civil magistrates, are hereby required to quarter and billet the officers and soldiers of the said American troops in the same manner, and under the same regulations and penalties, as are directed by this act to be observed in quartering and billeting the officers and soldiers of his Majesty's British forces; and all persons on whom the officers and soldiers of the said troops shall be legally quartered, refusing to receive and provide for them, as is directed for the officers and soldiers of his Majesty's British forces, shall be subject to the same penalties as in the case of the said British forces.*

Officers and soldiers of the American troops sent over to Great Britain,

to be quartered and billeted as the British forces,

and under the same regulations and penalties.

LXXVI. *Provided also, That nothing in this act contained shall extend, or be any ways construed to extend, to concern any of the militia forces of this kingdom, or of the kingdom of Ireland, or in Jersey, Guernsey, Alderney, or Sark, or the islands thereto belonging, excepting only in such case wherein by any act for regulating the militia forces in that part of Great Britain called England, the provisions contained in this act, or in any act for punishing mutiny and desertion, which shall be then in force, are extended and meant to take place in respect of the officers of the militia, and private militia men, within the part of Great Britain aforesaid.*

This act not to extend to the militia farther than is directed by the militia laws.

CAP. VII.

An act for granting to his Majesty an additional duty upon strong beer and ale; and for raising the sum of twelve millions, by way of annuities and a lottery, to be charged on the said duty; and for further encouraging the exportation of strong beer and ale.

Most gracious Sovereign,

Preamble.

W E, your Majesty's most dutiful and loyal subjects, the commons of *Great Britain*, in parliament assembled, towards raising, by the most easy means, the necessary supplies to defray your Majesty's publick expences, have freely and voluntarily resolved to give and grant unto your Majesty, the rates, duties, and impositions, herein after-mentioned, and do most humbly beseech your Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fourth day of *January*, one thousand seven hundred and sixty one, there shall be, within and throughout the whole realm of *Great Britain*, raised, levied, collected, and paid, unto his Majesty, his heirs, and successors, by way of excise, over and above all other duties, charges, and impositions, by any former act or acts of parliament set or imposed, an additional duty upon all beer and ale as herein after-mentioned; that is to say, For every barrel of beer or ale above six shillings the barrel (exclusive of the duties of excise) brewed by the common brewer, or any other person or persons who doth or shall sell or tap out beer or ale publickly or privately (to be paid by the common brewer, or by such other person or persons respectively) the sum of three shillings, and so proportionably for a greater or lesser quantity.

An additional duty of 3 s. per barrel, granted on all beer or ale, above 6s. the barrel, brewed for sale in England; to commence on 24 Jan. 1761.

A proportional duty to be paid for every barrel of two penny ale brewed for sale in Scotland.

II. And be it further enacted by the authority aforesaid, That for the barrel of two-penny ale mentioned and described in the seventh article of the treaty of union, there shall be only paid and charged by virtue of this act, such a proportional part of three shillings, as two shillings bears to four shillings and nine pence, over and above the other duties wherewith the said barrel of ale is charged in the said article, or by any subsequent act of parliament.

All the powers, rules, and directions, &c. established by act 12 Car. 2

III. And be it further enacted by the authority aforesaid, That all and every the powers, authorities, directions, rules, methods, allowances, penalties, and forfeitures, clauses, matters, and things, which in and by an act made in the twelfth year of the reign of King *Charles the Second*, intituled, *An act for taking away the court of wards and liveries, and tenures in capite, and by knights fervice and purveyance; and for settling a revenue upon his Majesty in lieu thereof*; or by any other law now

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in force relating to his Majesty's revenue of excise upon beer, or by any other act now in force relating to the duties of excise, are extended to the duties hereby granted by this act.

ale, or other liquors, are provided, settled, or established, for securing, enforcing, managing, raising, levying, collecting, paying, mitigating, or recovering, adjudging, or ascertaining, the duties or penalties thereby granted, and for preventing, detecting, and punishing frauds relating thereto (not otherwise altered by this act) shall be exercised, practised, applied, used, imposed, levied, recovered, and put in execution, for the securing, enforcing, managing, raising, levying, collecting, paying, mitigating, and adjudging, ascertaining, and recovering, the duties and penalties hereby granted, and for preventing, detecting, and punishing frauds relating thereto, as fully and effectually, to all intents and purposes, as if all and every the said powers, authorities, rules, directions, methods, allowances, penalties, and forfeitures, clauses, matters, and things, were particularly repeated and again enacted in the body of this present act.

IV. *And for the preventing of disputes which may arise touching the breaking in, or mixing into, guiles or brewings of beer or ale brewed after the commencement of this act, such beer or ale as hath been brewed before the commencement thereof, and which hath remained in the custody of the brewer thereof, ever since the same was brewed;* be it enacted and declared by the authority aforesaid, That all beer and ale brewed before the commencement of this act, which, at any time after the commencement thereof, shall be broke into, or mixed with, any fresh guile or brewing of beer or ale, shall be, and is hereby made liable to the said additional duty imposed by this act.

Beer brewed before the said 24 Jan. if any time thereafter mixed with any fresh guile or brewing, is to pay the additional duty.

V. And be it further enacted by the authority aforesaid, That for the further encouragement of the exportation of ale and strong beer, and thereby for the advancement of trade and encouragement of tillage and manufacture of this realm, it shall and may be lawful, from and after the twenty fourth day of January, one thousand seven hundred and sixty one, for any person in any sea port, or upon any navigable river, to export and ship off as merchandize, within any of the usual and allowed ports by law, and at the common quays for exportation and lading on board of merchandize, or quays to be appointed for that purpose, and within the usual hours of excise, for account of himself or any other (to be exported into foreign parts) in the presence of a sworn gauger, or other sworn officer to be appointed by the farmers, commissioners, or sub-commissioners, of his Majesty's excise, upon notice thereof to them given at the office of excise within the limits whereof the said strong beer and ale was brewed or made, of the respective port or place where the same shall be shipped, any sort of strong beer or ale to be spent beyond the seas; which said gauger or officer aforesaid shall certify the quantity of the said strong beer and ale shipped off to the commissioners and officers of excise, where the entry thereof shall be made, who are hereby required, after proof being made, that the duties have been charged or paid, and that the strong beer or ale was brewed after the twenty fourth

A drawback of 8s. per barrel is to be allowed by the commissioners of excise on all beer and ale brewed after the said 24 Jan. and exported to foreign parts;

the proper officer delivering a certificate of the quantity exported, and of the monies having been duly paid;

fourth day of *January*, one thousand seven hundred and sixty one, to make an allowance or drawback of eight shillings for every barrel on all strong beer or ale, brewed or made after the twenty fourth day of *January*, one thousand seven hundred and sixty one, and so exported, unto the brewer or maker thereof, deducting 3d. within one month after such exportation, deducting three pence per ton for the charges of their officers, and no more; which said allowance or drawback, is hereby declared to be in full for all drawbacks or allowances which can or may be claimed for the same.

Act: W. & M. VI. *And whereas by an act made in the first year of the reign of the late King William and Queen Mary, intituled, An act for encouraging the exportation of corn, an allowance of two shillings and six pence per quarter, is to be paid to the exporter of barley or malt, when the same is sold at twenty four shillings per quarter, or under: and whereas the exportation of beer which is made from malted corn only, and whereon the malt duties have been already paid, will tend to the further encouragement of tillage and manufacture, and be of publick utility; be it enacted by the authority aforesaid, That for every barrel of strong beer or ale, proved to have been brewed after the twenty fourth day of January, one thousand seven hundred and sixty one, from malted corn, and whereupon the duties for strong beer or ale shall be proved to have been charged or paid, there shall be paid to the exporter of the same as merchandize, by the commissioners of his Majesty's excise, or other proper officer belonging to them, when barley is at twenty four shillings per quarter, or under, upon producing from the gauger, or officer of excise, who saw the strong beer or ale shipped on board, a certificate of the quantity so shipped, out of the duties granted by this present act, the sum of one shilling for every barrel of strong beer or ale so exported.*

Bounty of 1s. per barrel to be paid by the commissioners of excise on all strong beer and ale exported, for which duties have been paid, brewed after the said 24 Jan. from malted corn, when barley is at 24s. per quarter, or under.

VII. *And, to the intent his Majesty's duty of excise may not be prejudiced, for such strong beer or ale as shall be spent on ship-board; be it enacted by the authority aforesaid, That his Majesty's commissioners and officers of the customs shall, and they are hereby required and enjoined, to charge every master of any ship or vessel, in his victualling bill, with so much strong beer or ale, and no more, as such number of men used to spend in such voyages; the excise whereof to be recovered according to the laws and rules already established.*

Duty to be paid for strong beer or ale spent on ship-board.

VIII. *Provided always, and be it further enacted by the authority aforesaid, That all the rules, regulations, directions, powers, penalties, forfeitures, clauses, matters, and things, which by an act made in the last session of parliament (intituled, An act for preventing the excessive use of spirituous liquors, by laying additional duties thereon; for shortening the prohibition of making, low wines and spirits from wheat, barley, malt, and other grain, and from meal, flour, and bran; for encouraging the exportation of British made spirits; and for more effectually securing the duties payable upon spirits, and preventing the fraudulent relanding or importation thereof) were provided, settled, established, and inflicted,*

All powers, rules, methods, and directions, in act 33 Geo. 2. with respect to the drawback and bounty thereby allowed on exportation of British made spirits, and the preventing of frauds

for

for and in respect to the paying and allowing the drawback and therein, to be bounty thereby granted upon spirits exported as merchandize, in force, and and for preventing, detecting, and punishing frauds and abuses, with respect to in the relanding the same, and all other frauds and abuses pre- the drawback vious to the shipping, or relating to the exportation of such spi- and bounty, &c. payable under this act. and the obtaining such drawback and bounty, not other- exception.

Altered by this act, shall, except such parts as relate to the size of the casks and burden of the ships or vessels, be exercised, practised, applied, levied, recovered, and put in execution, for paying and allowing the drawback and bounty hereby granted upon beer and ale; and for preventing, detecting, and punishing frauds and abuses in the relanding such beer or ale, and all other frauds and abuses previous to the shipping, or relating to the exportation thereof, and the obtaining the said drawback and bounty; as fully and effectually, to all intents and purposes, as if all and every the said rules, regulations, directions, powers, penalties, forfeitures, clauses, matters, and things, were particularly repeated and again re-enacted in the body of this present act.

IX. And be it further enacted and declared by the authority aforesaid, That all fines, penalties, and forfeitures herein before imposed, shall be sued for, levied, recovered, or mitigated by such ways, means, and methods, as any fine, penalty, or forfeiture, is or may be recovered or mitigated by any law or laws of excise (not otherwise directed by this act) or by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, or in the court of *Exchequer* in *Scotland* respectively; and that one moiety of every such fine, penalty, or forfeiture, shall be to his Majesty, his heirs, and successors, and the other moiety to him or them who shall discover, inform, or sue for the same.

X. And be it further enacted by the authority aforesaid, That the several and respective officers who shall be employed in the assessing, raising, collecting, levying, and recovering, the duties by this act granted, shall, from time to time, distinguish in their accounts, the amount of the monies arising by such duties, and shall pay the same into the receipt of the exchequer, distinctly and separately from all monies to arise by any other duties upon beer and ale; and that in the office of the auditor of the receipt of the exchequer, a book or books shall be provided and kept, in which all the monies arising by virtue of this act, and paid into the said receipt, shall be entered, separate and apart from all other monies paid and payable to his Majesty, his heirs, and successors, upon any account whatsoever.

XI. And be it further enacted and declared by the authority aforesaid, That the several and respective annuities which by this act are herein after directed to attend the principal sum of twelve millions, shall be charged and chargeable upon, and payable out of, the said duties by this act granted upon beer and ale, and the said duties are hereby appropriated for that purpose accordingly.

XII. And

Fines, penalties, and forfeitures, how to be levied and applied.

The amount of the new duties to be distinguished in the officers accounts, and to be paid into the exchequer separately from all other duties; &c.

These duties appropriated for the payment of the annuities chargeable on the monies borrowed on the credit of this act.

XII. And whereas the commons of Great Britain in parliament assembled have resolved, That, towards raising the supply granted to his Majesty in this present session of parliament, the sum of twelve millions be raised in manner following; that is to say, The sum of eleven millions four hundred thousand pounds be raised by annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England, and redeemable by parliament; and that every contributor to the said eleven millions four hundred thousand pounds, shall also be intitled to an annuity of one pound, two shillings, and six pence, for every one hundred pounds contributed, to continue for a certain term of ninety nine years irredeemable, and to be transferrable at the bank of England; and that the sum of six hundred thousand pounds be also raised by a lottery, attendant on the said annuities, the blanks and prizes whereof to be converted into like three pounds per centum transferrable annuities with the above mentioned three pounds per centum annuities, to be payable in respect of the said eleven millions four hundred thousand pounds; and that all the said three pounds per centum annuities be added to, and made part of, the joint stock of three pounds per centum annuities consolidated at the bank of England: and whereas pursuant to and upon the several terms and conditions expressed in the said resolution, several persons have, in books opened at the bank of England for that purpose, subscribed together the whole of the said sum of twelve millions, and made deposits of fifteen pounds per centum on the respective sums by them so subscribed with the cashiers of the bank of England: and whereas several of the said subscribers may have already paid, or may hereafter pay, unto the said cashiers, the whole, or some further part or parts, of the sums by them respectively subscribed, previous to the days limited and appointed for the said respective payments; be it therefore enacted by the authority aforesaid, That it shall and may be lawful to and for all such subscribers who have made deposits with the said cashiers as aforesaid, to advance and pay, and they are hereby required to advance and pay, unto the cashier or cashiers of the said governor and company of the bank of England; which cashier or cashiers is and are hereby appointed the receiver and receivers of such contributions, without any other warrant to be had on that behalf; the several remainders of the sums by them respectively subscribed towards the said sum of twelve millions, at or before the respective times or days, and in the proportions herein after limited and appointed on that behalf; that is to say, In respect of their proportionable share of the said sum of eleven millions four hundred thousand pounds, the further sum of fifteen pounds *per centum*, being part of the sum so remaining, on or before the twenty eighth day of *February*, one thousand seven hundred and sixty one; the further sum of ten pounds *per centum*, other part thereof, on or before the fourteenth day of *April* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty seventh day of *May* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty third day of *June* then next following;

Subscribers who have already made deposits of 15 l. *per cent.* of the sums subscribed by them, towards the purchase of annuities on the sum of 12,000,000 l. to be raised on the credit of this act, are to make their further payments, viz. in respect of their proportional share of 11,400,000 l. 15 l. *per cent.* by 28 Febr. 10 l. *per cent.* by 14 April. 10 l. *per cent.* by 27 May. 10 l. *per cent.* by 23 June,

following; the further sum of ten pounds *per centum*, other part thereof, on or before the thirty first day of *July* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty eighth day of *August* then next following; the further sum of ten pounds *per centum*, other part thereof, on or before the twenty fifth day of *September* then next following; and the remaining sum of ten pounds *per centum*, on or before the twentieth day of *October* then next following: and in respect of their proportionable share of the said sum of six hundred thousand pounds, the further sum of twenty five pounds *per centum*, being part of the sum so remaining, on or before the twenty first day of *March*, one thousand seven hundred and sixty one; the further sum of thirty pounds *per centum*, other part thereof, on or before the twenty ninth day of *April* then next following; and the remaining sum of thirty pounds *per centum*, on or before the fifteenth day of *July* then next following.

XIII. And be it further enacted by the authority aforesaid, That the several subscribers or contributors, their executors, administrators, successors, and assigns, in respect of the said sum of eleven millions four hundred thousand pounds, shall be intitled to an annuity after the rate of three pounds *per centum per annum*, for and upon every one hundred pounds by them respectively subscribed, advanced, and paid towards the said sum, redeemable by parliament; and shall also be intitled, for and upon every one hundred pounds so subscribed, to an annuity after the rate of one pound two shillings and six pence *per centum per annum*, for a certain term of ninety nine years; all which said annuities shall commence and be computed from the fifth day of *January*, one thousand seven hundred and sixty one, and shall be paid by half-yearly payments, in even and equal portions, on the fifth day of *July*, and the fifth day of *January*, in every year: and that the several subscribers or contributors, their executors, administrators, successors, and assigns, in respect of the said sum of six hundred thousand pounds, shall be intitled to as many tickets in the lottery herein after-mentioned, as the sum or sums by them respectively subscribed, advanced, and paid, shall purchase, after the rate of ten pounds for each ticket; and that the said sum of six hundred thousand pounds shall carry an annuity after the rate of three pounds *per centum per annum*, redeemable by parliament; and such annuity shall commence and be computed from the fifth day of *January*, one thousand seven hundred and sixty two, and shall be paid by half-yearly payments, in even and equal portions, on the fifth day of *July*, and the fifth day of *January*, in every year.

XIV. And be it further enacted by the authority aforesaid, That all such subscribers or contributors, their executors, administrators, successors, and assigns, paying in the whole of the sums by them respectively subscribed towards the said sum of eleven millions four hundred thousand pounds, on or before the eighteenth day of *September*, one thousand seven hundred

10 l. *per cent.*
by 31 July,
10 l. *per cent.*
by 28 August,
10 l. *per cent.*
by 25 Sept.
and the remaining 10 l. *per cent.* by 20 October,
1761.
and in respect of their proportional share of 600,000 l.
25 *per cent.* by 21 March;
30 l. *per cent.* by 29 April;
and 30 l. *per cent.* by 15 July next.

Annuity to be paid to take place 5 Jan. 1761, and to be paid half yearly, viz. on 5 July, and 5 Jan. Subscribers to the 600,000 l. intitled to a proportionable share of lottery tickets, at 1 l. each; the said sum to carry 3 l. *per cent.* interest;

Annuity to take place on 5 Jan. 1762, and to be paid half yearly, viz. on 5 July, and 5 Jan. Contributors paying in the whole of their subscriptions towards the said sum of

11,400,000 l.
on or before
18 Sept.
to be allowed
interest for the
same, at the
rate of 3 l. *per*
cent. per ann.
from the time
of such pay-
ment, to 20
Oct.

And those
paying in the
whole of their
subscription
towards the
said sum of
600,000 l. to
have lottery
tickets deli-
vered them to
the amount of
their subscrip-
tions.

Annuities
transferrable
at the bank.

Cashier of the
bank to give
receipts for
the monies
paid in ;
which are af-
signable at any
time before 5
Dec. 1761.

Cashier to give
security

and to pay the
monies into
the exchequer.

Treasury to
apply the mo-
nies to the ser-
vices voted by
the commons

and sixty one, shall be intitled to an allowance of so much mo-
ney as the interest of the several sums so paid on or before the
said eighteenth day of *September*, after the rate of three pound
per centum per annum, shall amount to, from the day on which
such payments shall have been actually made, to the twentieth
day of *October* then next following, such allowance to be paid
by the said cashier or cashiers out of the monies contributed to-
wards the said sum of eleven millions four hundred thousand
pounds, as soon as such respective subscribers or contributors
their executors, administrators, successors, and assigns, shall have
compleated such payment; and that all the subscribers or con-
tributors, their executors, administrators, successors, or assigns
paying in the whole of the sum or sums by them respectively
subscribed towards the said sum of six hundred thousand pounds.
shall have lottery tickets delivered to them, to the amount of
the principal sum or sums by them subscribed and paid for the
purchase thereof, at the rate of ten pounds for each ticket, as
soon as such tickets can conveniently be made out.

XV. And be it further enacted, That all the annuities afore-
said shall be transferrable at the bank of *England*; the said an-
nuities of three pounds *per centum per annum* being subject never-
theless to such redemption as is hereafter mentioned.

XVI. And be it further enacted by the authority aforesaid,
That the cashier or cashiers of the governor and company of
the bank of *England*, who shall have received, or shall receive,
any part of the said contributions, towards the said sum of eleven
millions four hundred thousand pounds, shall give a receipt or re-
ceipts in writing to every such contributor for all such sums; and
that the receipts to be given shall be assignable, by indorsement
thereupon made, at any time before the fifth day of *December*,
one thousand seven hundred and sixty one, and no longer.

XVII. Provided always, That such cashier or cashiers shall
give security to the good liking of any three or more of the
commissioners of the treasury, or the high treasurer for the time
being, for duly answering and paying into the receipt of his Ma-
jesty's exchequer, for the publick use, all the monies which
they have already received, and shall hereafter receive, from
time to time, of and for the said sum of twelve millions, and for
accounting duly for the same, and for performance of the trust
hereby in them reposed; and shall, from time to time, pay all
such monies, as soon as he or they shall receive the same, or any
part thereof, or within five days afterwards at the farthest; and
shall account for the same in the exchequer according to the due
course thereof, deducting thereout such sums as shall have been
paid by him or them in pursuance of this act; for which sums
so paid allowance shall be made in his or their accounts.

XVIII. And be it further enacted by the authority aforesaid,
That it shall and may be lawful for three or more of the com-
missioners of the treasury, or the high treasurer for the time being,
to issue and apply from time to time, all such sums of money as
shall be so paid into the receipt of his Majesty's exchequer, by
the

the said cashier or cashiers, to such services as shall then have been voted by the commons of *Great Britain*, in this present session of parliament.

XIX. And be it further enacted by the authority aforesaid, That in the office of the accomptant general of the governor and company of the bank of *England* for the time being, a book or books shall be provided and kept, in which the names of the contributors shall be fairly entered; which book or books the said respective contributors, their respective executors, administrators, successors, and assigns, shall and may, from time to time, and at all seasonable times, resort to and inspect, without any fee or charge: and that the said accomptant general shall, on or before the fifth day of *July*, one thousand seven hundred and sixty three, transmit an attested duplicate fairly written on paper of the said book or books, into the office of the auditor of the receipt of his Majesty's exchequer, there to remain for ever.

Contributors names, &c. to be entered in the office of the accomptant general of the bank.
Duplicate thereof to be transmitted into the auditor's office by 5 July, 1763.

XX. And be it further enacted by the authority aforesaid, That such contributors duly paying the whole sum or sums subscribed, at or before the respective times in this act limited in that behalf, and their respective executors, administrators, successors, and assigns, shall have, receive, and enjoy, and be intitled, by virtue of this act, to have, receive, and enjoy, their proportionable share of the said annuities of three pounds *per centum per annum*, by this act granted, in respect of the sum so subscribed, out of the monies appropriated by this act for payment thereof, and shall have good and sure interests and estates therein; subject nevertheless to redemption as is herein after-mentioned concerning the said annuities, according to the several provisions in this act contained; and that all the annuities by this act granted, shall be free from all taxes, charges, and impositions, whatsoever.

The monies arising by the duties of this act, appropriated to payment of the annuities.

XXI. Provided always, That in case any such contributors who have already deposited with, or shall hereafter pay to, the said cashier or cashiers, any sum or sums of money, at the times, and in the manner before mentioned, in part of the sum or sums so by them respectively subscribed, or their respective executors, administrators, successors, or assigns, shall not advance and pay to the said cashier or cashiers, the residue of the sum or sums so subscribed, at the times, and in the manner before-mentioned; then, and in every such case, so much of the respective sum or sums so subscribed as shall have been actually paid in part thereof, to the said cashier or cashiers, shall be forfeited for the benefit of the publick; and all right and title to the said annuity after the rate of three pounds *per centum per annum*, in respect thereof, shall be extinguished; any thing in this act contained to the contrary thereof in any wise notwithstanding.

Contributors not making good their payments within the times limited, to forfeit their deposits.

XXII. And be it further enacted by the authority aforesaid, That as soon as any contributors, their executors, administrators, successors, or assigns, shall have compleated their payments of the whole sum payable by them respectively towards the said sum

Principal sums to be placed to the credit of the respective contributors:

The same
may be assign-
ed,

and carry an-
nuities of 3 l.
per cent.

Accomptant
general to
give credit for
the sums nam-
ed in the cer-
tificates ;

which may be
transferred.

Annuities to
continue to be
paid for 99
years.

Deficiencies to
be made good
out of the
sinking fund :

sum of eleven millions four hundred thousand pounds, the principal sum or sums so by them subscribed and paid respectively, shall forthwith be, in the books of the bank of *England*, placed to the credit of such respective contributors, their executors, administrators, successors, and assigns, completing such payments respectively ; and the persons to whose credit such principal sums shall be so placed, their respective executors, administrators, successors, or assigns, shall and may have power to sign and transfer the same, or any part, share, or proportion thereof, to any other person or persons, body or bodies politic or corporate whatsoever, in the books of the bank of *England* ; and such sums shall carry an annuity after the rate of three pounds *per centum per annum*, redeemable by parliament, and shall be taken and deemed to be stock transferrable, according to the true intent and meaning of this act, until redemption thereof, in such manner as is herein after mentioned.

XXIII. And be it further enacted by the authority aforesaid, That the accomptant general of the bank of *England* shall, and he is hereby authorized and required, upon the payment of thirty pounds on or before the said twenty eighth day of *February*, one thousand seven hundred and sixty one, for every one hundred pounds so subscribed as aforesaid, towards the said sum of eleven millions four hundred thousand pounds, to give credit, in books to be provided for that purpose, to such respective contributors so making such payments, their executors, administrators, successors, and assigns, for the said annuity, after the rate of one pound, two shillings, and six pence, for every one hundred pounds subscribed, and whereof thirty pounds shall have been paid as aforesaid ; and all such annuities shall and may from thenceforth be, from time to time, assigned and transferred in books to be provided and kept for that purpose by the said accomptant general, separately and distinctly from the other annuities established by this act ; and the said annuities, after the rate of one pound, two shillings, and six pence, shall continue to be paid out of the fund hereby established for that purpose for the certain term of ninety nine years, to be computed from the said fifth day of *January*, one thousand seven hundred and sixty one ; and at the expiration of such term shall cease and be extinguished.

XXIV. And it is hereby enacted by the authority aforesaid, That if at any time or times it shall happen, that the produce of the said duties hereby granted for payment of the said several annuities, shall not be sufficient to pay and discharge the several and respective annuities, and other charges directed to be paid at the end of any or either of the respective half-yearly days of payment, at which the same are hereby directed to be paid ; then, and so often, and in every such case, such deficiency or deficiencies shall and may be supplied out of any of the monies which at any time or times shall be or remain in the receipt of the exchequer of the surplusses, excesses, overplus monies, and other revenues composing the fund commonly called *The sinking fund*,

fund, (except such monies of the said sinking fund as are appropriated to any particular use or uses by any former act or acts of parliament in that behalf) and such monies of the said sinking fund shall and may be, from time to time, issued and applied accordingly; and if at any time or times before any monies of the said duties hereby granted shall be brought into the exchequer as aforesaid, there shall happen to be a want of money for paying the several annuities as aforesaid which shall be actually incurred and grown due at any of the half-yearly days of payment as before-mentioned, that then, and in every such case, the money so wanted shall and may be supplied out of the monies of the sinking fund (except as before excepted) and be issued accordingly.

XXV. Provided always, and be it enacted by the authority aforesaid, That whatever monies shall be issued out of the sinking fund, shall, from time to time, be replaced by and out of the first supplies to be then after granted in parliament. To be replaced out of the first

XXVI. Provided always, and be it enacted by the authority aforesaid, That in case there shall be any surplus or remainder of the monies arising by the said duties hereby granted, after the said several and respective annuities and charges, and all arrears thereof, are satisfied, or money sufficient shall be reserved for that purpose, such overplus or remainder, shall, from time to time, be reserved for the disposition of parliament, and shall not be issued but by the authority of parliament, and as shall be directed by future act or acts of parliament; any thing in any former or other act or acts of parliament to the contrary notwithstanding. Surplus monies reserved for the disposition of parliament.

XXVII. And, for establishing a proper method for drawing the said lottery, be it further enacted by the authority aforesaid, That such persons as the commissioners of his Majesty's treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, shall nominate or appoint, shall be managers and directors for preparing and delivering out tickets, and to oversee the drawing of lots, and to order, do, and perform, such other matters and things as are hereafter in and by this act directed and appointed by such managers and directors to be done and performed; and that such managers or directors shall meet together, from time to time, at some publick office or place for the execution of the powers and trusts in them reposed by this act; and that the said managers and directors, or so many of them as shall be present at any such meeting, or the major part of them, shall cause books to be prepared, in which every leaf shall be divided or distinguished into three columns; and upon the innermost of the said three columns there shall be printed sixty thousand tickets, to be numbered I, II, III, and so onwards in an arithmetical progression, where the common excess is to be one, until they rise to and for the number of sixty thousand; and upon the middle column in every of the said books shall be printed sixty thousand tickets of the same breadth. Managers and directors of the lottery to be appointed by the treasury Method of the lottery book.

and form, and numbered in like manner; and in the extreme column of the said books there shall be printed a third rank or series of tickets, of the same number with those of the other two columns; which tickets shall severally be of an oblong figure, and in the said books shall be joined with oblique lines, flourishes, or devices, in such manner as the said managers and directors, or the major part of them, shall think most safe and convenient; and that every ticket in the third or extreme column of the said books shall have written or printed, *By the order of the Bank of England* (besides the number of such ticket, and the present year of our Lord Christ) words to this effect;

THIS ticket will intitle the bearer thereof to six pounds, or to a better chance, in a joint stock of annuities, after the rate of three pounds per centum per annum, transferrable at the bank of England.

Duplicates also of the said tickets to be prepared in books, with two columns, on each of which 40,000 tickets to be printed.

XXVIII. And it is hereby enacted, That the said managers and directors, or so many of them as shall be present at such meeting or the major part of them then present, shall carefully examine all the said books, with the tickets therein, and take care that the same be contrived, numbered, and made, according to the true intent and meaning of this act; and shall deliver, or cause to be delivered, the same books, and every or any of them, as they shall be examined, to the said cashier or cashiers, taking from such cashier or cashiers an acknowledgement in writing, under his or their hand or hands, importing his or their receipt of such book or books, and so many tickets therein as shall be delivered to him or them respectively; and all and every such cashier or cashiers respectively is and are hereby directed and required, upon his or their receiving every or any entire sum of ten pounds, in full payment of a ticket, from any person or persons contributing or adventuring as aforesaid, to cut out of the said book or books so to be put into his or their custody, through the said oblique lines, flourishes, or devices, indented, one of the tickets in the said extreme columns, which the said cashier or cashiers shall sign with his or their own name or names; and he or they shall permit the contributor, if it be desired, to write his or her name or mark on the corresponding ticket in the same book; and at the same time the said cashier or cashiers shall deliver to the said contributor the ticket so cut off, which he, she, or they, are to keep and use for the better ascertaining and securing the interest which he, she, or they, his, her, or their executors, administrators, successors, or assigns, shall or may have in the said fund.

Cashiers to return the books with the remainder of the tickets.

XXIX. And be it further enacted by the authority aforesaid, That the said cashier or cashiers, on or before the second day of *November*, one thousand seven hundred and sixty one, shall redeliver to the said managers and directors, at their said office or place of meeting, all the said books, and therein all the tickets which the said cashier or cashiers shall not have cut out and

and delivered to the contributors as aforesaid; and shall then and there also deliver to the said managers and directors a true and just account in writing, under his or their hand or hands, of all sums of money accrued or come to the hands of such cashier or cashiers, by or for the tickets delivered or to be delivered out pursuant to this act, and how the same, or how much thereof, shall have been actually paid by such cashier or cashiers into the receipt of the exchequer for the purposes herein mentioned: and the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, shall forthwith cause all the tickets of the said outermost columns which shall not have been delivered to the contributors as aforesaid, if any such be, to be delivered into the receipt of his Majesty's exchequer, there to be retained and kept as cash, to be issued, sold, and disposed of, for raising money for the purposes in this act mentioned, as the commissioners of his Majesty's treasury, or the high treasurer for the time being, shall judge reasonable and fitting.

XXX. And be it further enacted, That the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, shall cause all the tickets of the middle columns in the books made out with three columns, as aforesaid, which shall be delivered back to them, by or from the said cashier or cashiers as aforesaid, to be carefully rolled up and made fast with thread or silk; and the said managers or directors, or the major part of them as aforesaid, shall, in their presence, and in the presence of such contributors or adventurers as will be there, cause all the said tickets, which are to be so rolled up and made fast as aforesaid, to be cut off indentwise through the said oblique lines, flourishes, or devices, into a box to be prepared for that purpose, and to be marked with the letter (A) which is presently to be put up into another strong box, and to be locked with seven different locks and keys, to be kept by as many of the said managers, and sealed with their seals, or the seals of some of them, until the said tickets are to be drawn, as is herein after mentioned; and that the tickets in the first or innermost columns of the said books, shall remain still in the books for discovering any mistake or fraud (if any such should happen to be committed) contrary to the true meaning of this act.

Tickets of the middle columns to be rolled up, and fastened with silk;

and cut off indentwise into a box marked with the letter (A)

Box to be locked up and sealed.

XXXI. And be it further enacted by the authority aforesaid, That the said managers and directors, or the major part of them, which shall be present at any meeting as aforesaid, shall also prepare, or cause to be prepared, other books in which every leaf shall be divided or distinguished into two columns; and upon the innermost of those two columns there shall be printed sixty thousand tickets, and upon the outermost of the said two columns there shall be printed sixty thousand tickets, all which shall be of equal length and breadth, as near as may be; which two columns in the said books shall be joined with some flourish or device, through which the outermost tickets may be cut off in-

Books to be prepared with 2 columns, on each of which 60,000 tickets to be printed.

The number
and value of
the fortunate
tickets.

500 l. to the
first drawn
ticket, and
1000 l. to the
last drawn.

Tickets of the
outermost col-
umns of the
last mention-
ed book to be
rolled up and
tied,

and cut out
indentwise,
into a box
marked with
the letter (B)
Box to be
locked up and
sealed.

dentwise; and that eleven thousand nine hundred and forty five tickets, part of those to be contained in the outermost columns of the books last-mentioned, shall be, and be called the fortunate tickets, to which extraordinary benefits shall belong, as is herein after-mentioned; and the said managers and directors, or the major part of them, or such of them as shall be present at a meeting as aforesaid, shall cause the said fortunate tickets to be written upon, or otherwise expressed, as well in figures as in words at length, in manner following; that is, ⁵⁰⁰ ~~1000~~ l. upon two of them severally ten thousand pounds principal money; upon two of them severally five thousand pounds principal money; upon every one of four of them severally, two thousand pounds principal money; upon every one of ten of them severally, one thousand pounds principal money; upon every one of twenty of them severally, five hundred pounds principal money; upon every one of one hundred of them severally, one hundred pounds principal money; upon every one of two hundred, and one of them severally, fifty pounds principal money; upon every one of eleven thousand six hundred and six of them severally, twenty pounds principal money: which principal sums, so to be written, or otherwise expressed upon the said fortunate tickets, together with five hundred pounds principal money, to be allowed to the owner of the first drawn ticket, and one thousand pounds principal money to the owner of the last drawn ticket, over and above the benefits which may happen to belong to the two last mentioned tickets, and, together with the sum of six pounds to be paid or allowed for and upon each blank or unfortunate ticket of the said lottery, will amount in the whole to the principal sum of six hundred thousand pounds, to be converted into annuities by virtue of this act in respect of the said lottery; and the said managers and directors, or the major part of them, who shall be present at a meeting as aforesaid, shall cause all the said tickets, contained in the outermost columns of the said last-mentioned books, to be, in the presence of the said managers and directors, or the major part of them, which shall be present at a meeting as aforesaid, and in the presence of such contributors or adventurers as will then be there, to be carefully rolled up and fastened with thread or silk, and carefully cut out indentwise through the said flourish or device, into another box, to be prepared for this purpose, and to be marked with the letter (B), which box shall be put into another strong box, and locked up with seven different locks and keys, to be kept by as many of the said managers, and sealed up with their seals, or the seals of some of them, until these tickets shall also be drawn in the manner and form herein after mentioned; and that the whole business of rolling up, and cutting off, and putting into the said boxes the said tickets, and locking up and sealing the said boxes, shall be performed by the said managers and directors, or such of them as aforesaid, before the last six days immediately preceding the day by this act appointed for the drawing the said lottery: and to the end every person

person concerned may be well assured that the counterpart of the same number with his or her ticket is put into the box marked with the letter (A) from whence the same may be drawn, and that other matters are done as hereby directed, some publick notification in print shall be given of the precise time or times of putting the said tickets into the said boxes, to the end that such adventurers, as shall be minded to see the same done, may be present at the doing thereof.

Publick notice to be given of times of putting the tickets into the boxes.

And be it further enacted by the authority aforesaid, That on or before the sixteenth day of *November*, one thousand seven hundred and sixty one, the said managers and directors shall cause the said several boxes, with all the tickets therein, to be brought into the guildhall of the city of *London*, so that the same may be there, and placed on a table provided for that purpose, by nine of the clock in the forenoon of the same day, and shall then and there severally attend this service, and cause the two boxes containing the said tickets, to be severally taken out of the other two boxes, in which they shall have been locked up; and the tickets or lots in the respective innermost boxes being, in the presence of the said managers and directors, or such of them as shall be then present, and of such adventurers as will be there for the satisfaction of themselves, well shaken and mingled in each box distinctly; some one indifferent and fit person, to be appointed and directed by the said managers, or the major part of them, or such of them as shall be then present, shall take out and draw one ticket from the box where the said numbered tickets shall be as aforesaid put; and one other indifferent and fit person, to be appointed and directed in like manner, shall take out a ticket or lot from the box where the said eleven thousand nine hundred and forty five fortunate, and ~~forty eight thousand~~ and fifty five blank tickets shall be promiscuously put as aforesaid; and immediately both the tickets so drawn shall be opened, and the number, as well of the fortunate as the blank ticket, shall be named aloud; and if the ticket taken or drawn from the box containing the fortunate and blank lots shall appear to be a blank, then the numbered ticket so drawn with the said blank at the same time drawn, shall both be put upon one file; and if the ticket so drawn or taken from the box containing the fortunate and blank lots shall appear to be one of the fortunate tickets, then the principal sum written upon such fortunate ticket, whatsoever it be, shall be entered by a clerk, which the said managers, or the major part of them as aforesaid, shall employ and oversee for this purpose, into a book to be kept for entering the numbers coming up with the said fortunate tickets, and the principal sums whereunto they shall be intitled respectively, and two of the said managers shall set their names as witnesses to such entries; and the said fortunate and numbered tickets so drawn together, shall be put upon another file; and so the said drawing of the tickets shall continue, by taking one ticket at a time out of each box, and with opening, naming aloud, and filing the same, and by entering

Lottery to begin drawing on 16 Nov. 1761.

Method to be observed in drawing, &c.

After each day's drawing, the boxes to be locked up and sealed.

Numbers of the fortunate tickets, and the sums to be printed. Disputes relating thereto, to be adjusted by the managers. Penalty of forging tickets or certificates,

Felony.

Managers to be sworn.

tering the fortunate lots in such method as is before mentioned, until the whole number of eleven thousand nine hundred and forty five fortunate tickets, and one more for the last drawn as aforesaid, shall be completely drawn; and as the same cannot be performed in one day's time, the said managers or directors shall cause the boxes to be locked up and sealed in manner as aforesaid, and adjourn till the next day, and so from day to day, and every day (except *Sundays, Christmas-day, thanksgiving* and fast days) and then open the same, and proceed ^{as above} till the said whole number of eleven thousand nine hundred and forty five fortunate tickets, and one more, shall be completely drawn as aforesaid; and afterwards the said numbered tickets so drawn, with the fortunate tickets drawn against the same, shall be and remain in a strong box locked up as aforesaid, and under the custody of the said managers, until they shall take them out to examine, adjust, and settle the property thereof.

XXIII. And, to the end the fortunate may know, whether absent or present, to what degree they have been so; be it enacted, That the said managers shall, as soon as conveniently may be, after the said drawing is over, cause to be printed and published the number of the tickets drawn against each fortunate ticket, and the principal sum written on the same; and if any contention or dispute shall arise in the adjusting the property of the said fortunate tickets, the major part of the said managers agreeing therein, shall determine to whom it doth or ought to belong: and if any person or persons shall forge or counterfeit any ticket or tickets, certificate or certificates, to be made forth by this act, or alter any the numbers thereof, or utter, vend, barter, or dispose of, or offer to dispose of, any false, altered, forged, or counterfeit ticket or tickets, certificate or certificates, or shall bring any forged or counterfeit ticket or certificate, or any ticket or certificate the number whereof is altered (knowing the same to be such) to the said managers, or any of them, or to the cashier or accomprant general of the bank of *England* for the time being, or to any other person or persons whatsoever, with a fraudulent intention; then every such person or persons, being thereof convicted in due form of law, shall be adjudged a felon, and shall suffer death as in cases of felony, without benefit of clergy: and the said managers and directors, or any two or more of them, are hereby authorized, required, and impowered, to cause any person or persons bringing or uttering such forged or counterfeit ticket or tickets, certificate or certificates, as aforesaid, to be apprehended, and to commit him, her, or them, to his Majesty's gaol of *Newgate*, or to the common gaol of the county or place where such person or persons shall be so apprehended, to be proceeded against for the said felony according to law.

XXXIV. Provided always, and it is hereby enacted by the authority aforesaid, That every person that shall be appointed as aforesaid to be a manager and director for putting this act in execution,

execution, before his acting in such commission, shall take the oath following; that is to say,

I A. B. do swear, That I will faithfully execute the trust reposed in me; and that I will not use any indirect art or means, or permit or direct any person to use any indirect art or means, to obtain a prize or fortunate lot, for myself, or any other person whatsoever; and that I will do the utmost of my endeavour to prevent any undue or ~~any~~ practice to be done by any person whatsoever; and that I will, ^{The oath.} of my judgement, declare to whom any prize, lot, or ticket, of right does belong, according to the true intent and meaning of the act of parliament made in the first year of his Majesty's reign in that behalf.

Which said oath shall and may be administered by any two or more of the other managers and directors.

XXXV. Provided always, That it shall and may be lawful to and for the said cashier or cashiers, having given security as afore-^{Cashier, on receiving the residue of the sums subscribed,} said, at any time or times, before such cashier or cashiers shall have received any book or books from the said managers, comprehending the said sixty thousand tickets as afore-^{to give receipts for the same;} said, in three columns as afore-^{the bearers intitled to a lottery ticket for every 10l. subscribed.} said, to receive from any person or persons who will voluntarily offer, contribute, and advance, the residue of any sum of ten pounds, or several sums of ten pounds upon this act as afore-^{to give receipts for the same;} said, the sums so offered to be contributed or advanced at one intire payment, or in such proportions and manner as afore-^{the bearers intitled to a lottery ticket for every 10l. subscribed.} said, before such cashier or cashiers shall have received such book or books; and the said cashier or cashiers shall give a note or receipt under his or their hand or hands for the sum or sums so contributed; and shall be obliged thereby, ^{to give receipts for the same;} and by this act to give the bearer of every such note or receipt, a ticket or tickets of the extream column of the three columns book or books afore-^{the bearers intitled to a lottery ticket for every 10l. subscribed.} said, for every ten pounds so contributed, paid, or answered, as soon as he or they shall be enabled thereunto, by delivery of any such book or books to him or them from the said managers as afore-^{to give receipts for the same;} said; any thing herein contained to the contrary notwithstanding.

XXXVI. Provided also, That in case any such contributor or adventurer, as afore-^{Contributors, not making good their payments within the times limited, to forfeit their deposits.} said, who shall have advanced and paid down to such cashier or cashiers, a proportion of his, her, or their consideration-money, his, her, or their executors, administrators, successors, or assigns, do not advance and pay unto such cashier or cashiers the remaining part of his, her, or their consideration-money so to be paid, in full, for such tickets as afore-^{Contributors, not making good their payments within the times limited, to forfeit their deposits.} said, on or before the times for paying thereof as afore-^{Contributors, not making good their payments within the times limited, to forfeit their deposits.} said; that then, and in every such case, every such contributor or adventurer shall forfeit and lose to his Majesty, for the use of the publick, the proportion of his, her, or their purchase-money, which he, she, or they, shall have so paid down as afore-^{Contributors, not making good their payments within the times limited, to forfeit their deposits.} said; and in such case no ticket or tickets shall be delivered out by the said cashier or cashiers, to such contributor or contributors mak-^{Contributors, not making good their payments within the times limited, to forfeit their deposits.} ing

ing such default; but the ticket and tickets which should have been delivered to such contributor and contributors, had they paid the full money for the same, shall be returned and delivered to the said managers and directors by the said cashier or cashiers, together with the other tickets (if any) in the outermost column of the book and books first herein-mentioned and directed to be prepared, which shall not have been disposed of to contributors as aforesaid; and such ticket and tickets upon and for which defaults of payments shall have been made as aforesaid, shall be delivered into the receipt of his Majesty's exchequer, with other the said undisposed tickets (if any) there to be retained and kept as cash, and to be issued, sold, and disposed of, for the purposes and in the manner herein before directed and appointed with respect to the said undisposed tickets; and the said contributor and contributors making such default, shall not have or receive, or be intitled to have or receive, any benefit or advantage for or in respect of the money which he, she, or they, shall have paid, for or towards the purchase of such ticket or tickets; any thing herein contained to the contrary notwithstanding.

Managers, &c.
to be paid by
the commis-
sioners of the
treasury out
of the lottery
money.

XXXVII. Provided also, and it is hereby enacted by the authority aforesaid, That out of the monies to arise by and out of any of the supplies granted in this session of parliament, it shall and may be lawful to and for any three or more of the commissioners of the treasury, or the high treasurer for the time being, to reward the said managers and directors, and the clerks and officers to be employed by and under them, and any other officers and persons that shall and may be any ways employed in this affair, for their labour and pains, and to discharge such incident expences as shall necessarily attend the execution of this act, in such manner as any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall, from time to time, think fit and reasonable in that behalf; any thing in this act contained to the contrary notwithstanding.

Limitation of
sale of
chances, &c.

XXXVIII. And be it further enacted by the authority aforesaid, That no person or persons shall sell the chance or chances of any ticket or tickets in the said lottery, or any share or shares of any ticket or tickets in the said lottery, for a day, or part of a day, or for a longer time less than the whole time of drawing the lottery then to come; or shall receive any money whatsoever in consideration of the repayment of any sum or sums of money, in case any ticket or tickets in the said lottery shall prove fortunate; or shall lay any wager relating to the drawing of any ticket or tickets in the said lottery, either as to the time of such ticket or tickets being drawn, or whether such ticket or tickets be drawn fortunate or unfortunate; and all and every person and persons who shall offend in any of the aforesaid matters, shall forfeit and pay treble the sum and sums of money which shall have been received by such person and persons, contrary to the true intent and meaning of this act; to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's

Penalty.

jeſty's courts of record at *Weſtmiſter*; in which no eſſoin, protection, privilege, or wager of law, or more than one imparlance, ſhall be allowed; one moiety whereof to be for the uſe of his Maſteſty, his heirs, or ſucceſſors, and the other moiety to be paid to the perſon or perſons who ſhall ſue for the ſame; and every ſuch ſale, wager, or contract, and every agreement relating thereto, ſhall be, and is hereby declared null and void.

XXXIX. And be it further enacted by the authority aforeſaid, That if any perſon or perſons ſhall keep any office or offices, or ſhall print or publiſh any ſcheme or propoſal, for receiving any ſum or ſums of money in conſideration of any intereſt to be granted for the ſame, in any ticket or tickets in the ſaid lottery, whereof ſuch perſon or perſons ſhall not then be actually poſſeſſed, or in conſideration of any ſum or ſums of money to be repaid in caſe any ticket, or number of tickets, in the ſaid lottery, which ſhall not be in the actual poſſeſſion of ſuch perſon or perſons, ſhall prove fortunate or unfortunate; all and every ſuch perſon and perſons ſhall forfeit and pay the ſum of five hundred pounds; to be recovered by action of debt, bill, plaint, or information, in any of his Maſteſty's courts of record at *Weſtmiſter*; in which no eſſoin, protection, or wager of law, or more than one imparlance, ſhall be allowed; one moiety whereof to be for the uſe of his Maſteſty, his heirs, or ſucceſſors, and the other moiety to be paid to the perſon or perſons who ſhall ſue for the ſame; and alſo ſhall ſuffer three months imprisonment without bail or mainprize.

Perſons ſelling ſhares in tickets of which they are not poſſeſſed.

XL. And be it further enacted by the authority aforeſaid, That if any offence againſt this act, or any of the acts of parliament made in this kingdom, for preventing private and unlawful lotteries, ſhall be committed in *Ireland*, the offender ſhall ſuffer the ſame penalty and puniſhment to be inflicted in like manner as if the offence was committed in this kingdom; and that ſuch penalties as, by this act, or any of the ſaid acts, are directed to be recovered in any of his Maſteſty's courts of record at *Weſtmiſter*, ſhall, in caſe of offences committed againſt this act or any of the ſaid acts in *Ireland*, be recovered in any of his Maſteſty's courts of record in *Dublin*.

Offences committed in *Ireland* againſt acts for preventing unlawful lotteries, declared to be puniſhable, and may be ſued for in *Dublin*.

XLI. And to the end that all and every the payments, as well upon the fortunate as upon the unfortunate tickets, may be more eaſily aſcertained, ſettled, and adjusted, for the perſons who ſhall be and become intitled thereunto; be it further enacted by the authority aforeſaid, That as ſoon as conveniently may be after the drawing of the ſaid lottery ſhall be completed and ended, all and every the ſaid tickets to be given out as aforeſaid, ſhall be exchanged for certificates to be ſigned by ſuch of the ſaid managers as ſhall be appointed for that purpoſe.

After the drawing of the lottery, the tickets to be exchanged for certificates.

XLII. And be it further enacted, That ſuch of the ſaid managers as any three or more of the commiſſioners of the treasury, or the high treaſurer for the time being, ſhall appoint to take in the ſaid tickets, and deliver out the ſaid certificates for and in lieu thereof, ſhall give timely notice by advertisement to be

Managers to give notice of the time for taking in the tickets, and delivering out the certificates; &c.

Books to be kept for entering persons names,

and the number of their tickets, &c.

Certificates to be signed, &c.

Accomptant general to give credit for the principal sums in the certificates.

Assignments may be made of the said sums, &c.

Certificates to be filed and cancelled, and notes to be given in lieu thereof.

A chief cashier, and accomptant general, to be appointed by the bank for paying the annuities.

be printed and published in manner as they shall think fit, of the days and times for taking in the said tickets, and delivering out the said certificates, for and in lieu of the same; and every person's certificate shall be numbered in course, according to their bringing their tickets to the managers so to be appointed for exchanging the same; to which purpose, such managers shall enter, or cause to be entered, into a book or books to be by them kept for that purpose, the name of every person who shall bring any ticket or tickets to be exchanged for such certificate or certificates, and the number or numbers of the ticket or tickets which shall be so brought by such person or persons, the value in principal money payable thereupon, and the day of the month, and the year of our Lord, when the same was so brought, which book and books shall lie open in the office to be appointed for taking in the said tickets to be exchanged for such certificates, for all persons concerned to peruse; all which certificates shall be signed by the managers so to be appointed, or the major part of them, and be directed to the accomptant general of the bank of *England* for the time being.

XLIII. And be it further enacted by the authority aforesaid, That the said accomptant general of the bank of *England* for the time being, to whom the said certificates are to be directed as aforesaid, shall, upon receiving and taking in the said certificates, or any of them, give credit to the persons named therein, in a book or books to be by him provided and kept, for the principal sums contained in every such certificate; and the persons to whose credit such principal sums shall be entered in the said book or books, his, her, or their executors, administrators, successors, and assigns, shall and may have power to assign or transfer the same, or any part, share, or proportion thereof, to any other person or persons, bodies politic or corporate whatsoever, in books to be prepared and kept by the said accomptant general; and the said principal sums so assigned or transferred shall carry the said annuity of three pounds *per centum per annum*, and shall be taken and deemed to be stock transferrable by virtue of this act, until the redemption thereof in manner herein after-mentioned; and the said accomptant general of the bank of *England* for the time being, is hereby authorized and directed to cancel and file the certificates, as they shall from time to time be received and taken in by him; and to give the persons bringing in the same a note under his hand, testifying the principal money for which they shall have credit in the said book or books, by reason or means of the certificates so received, taken in, and cancelled as aforesaid, and of the annuities attending the same.

XLIV. And for the more easy and sure payment of all the annuities established by this act, be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, shall from time to time, until all the said annuities after the rate of three pounds *per centum per annum*, shall be redeemed, and until the said annuities after the

the rate of one pound, two shillings, and six pence, *per centum per annum*, for the term of ninety nine years shall be determined, appoint and employ one or more sufficient person or persons within their office in the city of *London*, to be their chief or first cashier or cashiers, and one other sufficient person within the same office, to be their accomptant general; and that so much of the monies by this act appropriated for this purpose, as shall be sufficient from time to time to answer the said several and respective annuities, and other payments herein directed to be made out of the said monies, shall, by order of the commissioners of the treasury, or any three or more of them, or the high treasurer for the time being, without any further or other warrant, to be sued for, had, and obtained, in that behalf, from time to time, at the respective days of payment in this act appointed for payment thereof, be issued and paid at the said receipt of exchequer, to the said first or chief cashier or cashiers of the said governor and company of the bank of *England*, and their successors, for the time being, by way of imprest, and upon account, for the payment of the said several and respective annuities, payable by virtue of this act; and that such cashier or cashiers to whom the said money shall, from time to time, be issued, shall, from time to time, without delay, pay the same accordingly, and render his or their accounts thereof, according to the due course of the exchequer.

Treasury to
issue money
for that pur-
pose to the
said cashier;

who is to ac-
count for the
same.

XLV. And be it further enacted by the authority aforesaid, That the said accomptant general for the time being shall, from time to time, inspect and examine all receipts and payments of the said cashier or cashiers, and the vouchers relating thereto, in order to prevent any fraud, negligence, or delay; and that all persons who shall be intitled to any of the annuities hereby granted, and their persons lawfully claiming under them, shall be possessed thereof as of a personal estate, which shall not be descendible to heirs, nor liable to any foreign attachment by the custom of *London*, or otherwise; any law, statute, or custom, to the contrary notwithstanding.

Accomptant
general to ex-
amine the re-
ceipts and
payments of
the cashier.

Annuities
deemed a per-
sonal estate,
&c.

XLVI. And be it further enacted by the authority aforesaid, That all the monies to which any person or persons shall become intitled by virtue of this act, in respect of any sum advanced or contributed towards the said sum of eleven millions four hundred thousand pounds, on which the said annuities after the rate of three pounds *per centum per annum* shall be attending, and the principal sums to be determined by the drawing of the said lottery, to be attended with annuities after the like rate, shall be added to the joint stock of annuities transferable at the bank of *England*, into which the several sums carrying an interest at the rate of three pounds *per centum per annum*, were, by several acts made in the twenty fifth, twenty eighth, twenty ninth, thirty second, and thirty third years of the reign of his late majesty King *George* the Second, converted, and shall be deemed part of the said joint stock of annuities, subject nevertheless to a redemption by parliament in such manner, and

The monies
which shall be-
come due to
any person by
virtue of this
act,

to be made
part of the
joint stock of
3 l. *per cent.*
annuities
consolidated
by acts 25, 28,
29, 32, & 33
Geo. 2.

upon

upon such notice, as in the said act made in the twenty fifth year of his said late Majesty's reign is directed in respect of the several and respective annuities redeemable by virtue of the said act; and that all and every person and persons, and corporations whatsoever, in proportion to the money to which he, she, or they, shall become intitled as aforesaid, by virtue of this act, shall have, and be deemed to have, a proportional interest and share in the said joint stock of annuities at the rate aforesaid.

Transfer books to be kept by the accomptant general.

Method of transferring stock.

XLVII. And be it further enacted by the authority aforesaid, That books shall be constantly kept by the said accomptant general for the time being, wherein all assignments or transfers of all sums advanced or contributed towards the said sum of eleven millions four hundred thousand pounds, and also all assignments or transfers of all sums advanced or contributed towards the said sum of six hundred thousand pounds, shall, at all seasonable times, be entered and registered; which entry shall be conceived in proper words for that purpose, and shall be signed by the parties making such assignments or transfers; or if such parties be absent, by their respective attorney or attorneys thereunto lawfully authorized, in writing under his or their hand and seal, or hands and seals, to be attested by two or more credible witnesses; and that the several persons to whom such transfers shall be made, shall respectively underwrite their acceptance thereof; and that no other method of assigning and transferring the said annuities, or any part thereof, or any interest therein, shall be good or available in law.

XLVIII. Provided always, and be it further enacted by the authority aforesaid, That from the time of giving credit, as aforesaid, for the said annuities, after the rate of one pound, two shillings, and six pence *per centum per annum*, the said annuities shall be a separate and distinct stock from the said consolidated joint stock of annuities, after the rate of three pounds *per centum per annum*; and separate and distinct books shall be kept for assigning and transferring the said annuities, after the rate of one pound, two shillings, and six pence *per centum per annum*; any thing herein before contained to the contrary thereof in any wise notwithstanding.

Annuities deviseable by will.

Entry to be made of such clause in the will.

Transfer not liable to stamp duties.

Treasury to pay all inci-

XLIX. Provided also, That all persons possessed of any share or interest in either of the said stocks of annuities, or any estate or interest therein, may devise the same by will, in writing, attested by two or more credible witnesses; but that no payment shall be made upon any such devise, till so much of the said will as relates to such share, estate, or interest, in the said stocks of annuities, be entered in the said office; and that in default of such transfer or devise, such share, estate, or interest, in the said stocks of annuities, shall go to the executors, administrators, successors, and assigns; and that no stamp-duties whatsoever shall be charged on any of the said transfers; any law or statute to the contrary notwithstanding.

L. Provided always, and be it enacted by the authority aforesaid, That out of the monies arising from the contributions

towards raising the said sum of twelve millions, any three or more of the commissioners of the treasury, or the high treasurer for the time being, shall have power to discharge all such incident charges as shall necessarily attend the execution of this act, in such manner as to them shall seem just and reasonable; and also to settle and appoint such allowances as shall be thought proper, for the service, pains, and labour, of the said cashier or cashiers, for receiving, paying, and accounting, for the said contributions; and also shall have power to make out of the fund hereby established, or out of the sinking fund, such further allowances as shall be judged reasonable, for the service, pains, and labour, of the said cashier or cashiers, for receiving, paying, and accounting, for the said annuities payable by virtue of this act; and also for the service, pains, and labour, of the said accomptant general, for performing the trust reposed in him by this act; all which allowances to be made as aforesaid, in respect to the service, pains, and labour, of any officer or officers of the said governor and company, shall be for the use and benefit of the said governor and company, and at their disposal only.

dent charges attending the execution of this act:

and to make an allowance to the cashier, and accomptant general;

to be at the disposal of the governor and company of the bank.

LI. Provided always, and be it further enacted by the authority aforesaid, That the said governor and company of the bank of *England*, and their successors, notwithstanding the redemption of all or any of their own funds, in pursuance of the acts for establishing the same, or any of them, shall continue a corporation for the purposes of this act, till all the annuities, after the rate of three pounds *per centum per annum* by this act granted, shall be redeemable by parliament as aforesaid, and until the said annuities, after the rate of one pound, two shillings, and six pence *per centum per annum*, for the said term of ninety years, shall be determined; and that the said governor and company of the bank of *England*, or any member thereof, shall not incur any disability for or by reason of their doing any matter or thing in pursuance of this act.

Bank to continue a corporation till these annuities be redeemed, &c.

LII. And be it further enacted, That no fee, reward, or gratuity whatsoever, shall be demanded or taken of any of his Majesty's subjects, for receiving or paying the said contribution-monies, or any of them, or for any tallies or receipts concerning the same, or for issuing the monies for paying the said several annuities, or any of them, or for any transfer of any sum great or small, to be made in pursuance of this act, upon pain that any offender or person offending, by taking or demanding any such fee, reward, or gratuity, shall forfeit the sum of twenty pounds to the party aggrieved, with full costs of suit, to be recovered by action of debt, bill, plaint, or information, in any of his Majesty's courts of record at *Westminster*, wherein no *essoyn*, protection, privilege, or wager of law, injunction, or order of restraint, or any more than one imparlance, shall be granted or allowed.

No fee for payment of contribution money.

LIII. And be it further enacted by the authority aforesaid, That if any person or persons shall be sued, molested, or prosecuted,

General issue. secuted, for any thing done, by virtue or in pursuance of this act, such person or persons shall and may plead the general issue, and give this act, and the special matter in evidence, in his, her, or their defence or defences; and if afterwards, a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs shall discontinue his, her, or their action or actions, or be nonsuited, or judgement shall be given against him, her, or them, upon demurrer or otherwise, then such defendant or defendants shall have treble costs awarded to him, her, or them, against any such plaintiff or plaintiffs.

Treble costs.

C A P. VIII.

An act for the regulation of his Majesty's marine forces while on shore.

Preamble.

WHEREAS it may be necessary for the safety of this kingdom, and the defence of the possessions of the crown of Great Britain, that a body of marine forces should be employed in his Majesty's fleet and naval service, under the direction of the lord high admiral, or commissioners for executing the office of lord high admiral of Great Britain: and whereas the said marine forces may frequently be quartered on shore, where they will not be subject to the laws relating to the government of his Majesty's forces by sea; yet nevertheless it being requisite, for the retaining of such forces in their duty, that an exact discipline be observed; and that marines who shall mutiny, or stir up sedition, or shall desert his Majesty's service, be brought to a more exemplary and speedy punishment than the law will allow; be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That from and after the twenty fifth day of March, one thousand seven hundred and sixty one, if any person being entered or in pay as an officer of marines, or who is, or shall be listed, or in pay as a private man, in any company of marines in his Majesty's service, and on the twenty fifth day of March, one thousand seven hundred and sixty one, shall remain in such service, or during the continuance of this act, shall be voluntarily entered, and in pay, as a marine officer or private man in his Majesty's service, and being ordered or employed in such service, at any time, during the continuance of this act, on shore, in any place within the realm of Great Britain, or in the kingdom of Ireland, or in any of his Majesty's dominions beyond the seas respectively, shall begin, excite, cause, or join in any mutiny or sedition, in the company to which he doth or shall belong, or in any other company, troop, or regiment, either of marine or land forces, in his Majesty's service, or shall not use his utmost endeavours to suppress the same, or coming to the knowledge of any such mutiny, or intended mutiny, shall not without delay give information thereof to his commanding officer, or shall desert his Majesty's service; or being actually entered as a marine, in any company, shall

After 25
March 1761,
during the
continuance
of this act,
every marine
officer and
private man,
on shore,

who shall mu-
tiny or desert,
&c.

or list in any
other regi-
ment, &c.

shall list himself in any other company, troop, or regiment, in his Majesty's service, without first having a discharge in writing from the officer commanding in chief the company in which he last served as a marine; or shall be found sleeping upon his post, or shall leave it before relieved; or shall hold correspondence with any rebel, or enemy of his Majesty, or give them advice or intelligence of any kind, by any ways or means, or in any manner whatsoever; or shall treat with such rebels or enemies, or enter into any condition with them, without his Majesty's licence, or licences of the lord high admiral of *Great Britain*, or of three or more of the commissioners for executing the office of lord high admiral of *Great Britain* for the time being; or shall strike, or use any violence against his superior officer, being in the execution of his office; or shall disobey any lawful command of his superior officer; all and every person and persons so offending in any or either of the matters before-mentioned, on shore, in any part of this kingdom or *Ireland*, or any of his Majesty's dominions beyond the seas, shall suffer death, or such other punishment as by a court-martial shall be inflicted.

or shall be found sleeping on, or shall desert, his post,

or hold illegal correspondence with the enemies of his Majesty,

or shall strike, or disobey his superior officer; shall suffer death, or such punishment as a court martial shall inflict.

II. And be it further enacted by the authority aforesaid, That it shall and may, from time to time, during the continuance of this act, be lawful to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord high admiral for the time being, to grant a commission under his or their respective hand or hands, to any officer of marines in his Majesty's service, not under the degree of a field officer, for the holding a general court-martial at any place or places on shore, in this realm or in *Ireland*, or in any of his Majesty's dominions beyond the seas, in every of which courts-martial all or any of the offences aforesaid, and all or any other of the offences herein after specified, shall be tried and proceeded against in such manner as by this act is directed.

The lord high admiral, or commissioners for executing that office, may grant a commission to hold general courts martial, &c.

III. And be it also enacted, That it shall and may be lawful to and for such courts-martial respectively, by their sentence or judgement, to inflict corporal punishment, not extending to life or limb, on any marine for immorality, misbehaviour, or neglect of duty on shore, in any place or places within this realm or *Ireland*, or any of his Majesty's dominions beyond the seas, during the continuance of this act.

Courts-martial may inflict corporal punishment for immorality, &c.

IV. And be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the said lord high admiral, or three or more of the commissioners for executing the said office of lord high admiral, at any time during the continuance of this act, to make and establish rules and articles in writing under his or their respective hand or hands, for the punishment of mutiny and desertion, immorality, misbehaviour, and neglect of duty in any of his Majesty's marine forces while on shore in any part of this realm or *Ireland*, or any of his Majesty's dominions beyond the seas, and for bringing offenders against the same to justice, and to erect and constitute courts-martial, with

Lords, &c. of the admiralty empowered to make articles for punishment of mutiny and desertion, &c.

And to constitute courts-martial.

power

power to try, hear, and determine, any crimes or offences specified in such rules and articles, and inflict punishments by sentence or judgement for the same, according to the true intent and meaning of this act.

Note to be adjudged of life or limb, but for crimes expressed to be so punishable by this act.

General court-martial not to consist of less than 13, and the president to be a field officer, or officer next in seniority, not under the degree of a captain.

May administer an oath to witnesses.

Officers to be sworn.

V. Provided always, That no person or persons shall be adjudged to suffer any punishment extending to life or limb, by the said rules or articles within the kingdom of *Great Britain or Ireland*, except for such crime or crimes as is or are expressed to be so punishable by this act.

VI. And it is hereby further enacted and declared, That no general court-martial which shall have power to sit by virtue of this act, shall consist of a less number than thirteen, whereof none to be under the degree of a commission officer of marines; and the president of such court-martial shall not be under the degree of a field officer of marines, unless where such field officer cannot be had; in which case, the marine officer next in seniority to such field officer, not being under the degree of a captain, shall preside at such court-martial; and that such court-martial shall have power and authority, and are hereby required to administer an oath to every witness, in order to the examination or trial of any of the offences that shall come before them.

VII. Provided always, That in all trials of offenders by general courts-martial, to be held by virtue of this act, every officer present at such trial, before any proceedings be had thereupon, shall take the following oaths upon the holy evangelists, before the court, and judge advocate, or his deputy (who are hereby authorized to administer the same) in these words; that is to say,

The oath.

YOU shall well and truly try and determine according to the evidence which shall be given in the matter now before you, between our sovereign lord the King's majesty, and the prisoner to be tried:
So help you God.

The oath.

I A. B. do swear, That I will duly administer justice, according to an act of parliament now in force for the regulation of his Majesty's marine forces while on shore, and according to the rules and articles made in pursuance of the said act of parliament for the punishment of mutiny and desertion, and other crimes therein respectively mentioned, without partiality, favour, or affection; and if any doubt shall arise, which is not explained by the said act of parliament, or the said rules and articles, according to my conscience, the best of my understanding, and the custom of war in like cases. And I further swear, That I will not divulge the sentence of the court until it shall be approved by the lord high admiral, or three or more of the commissioners for executing the office of lord high admiral of Great Britain; neither will I, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in a due course of law:

So help me God.

And

And so soon as the said oaths shall have been administered to the respective members, the president of the court is hereby authorized and required to administer to the judge advocate, or to the person officiating as such, an oath in the following words:

I A.B. do swear, That I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the court-martial, unless required to give evidence thereof, as a witness, by a court of justice in a due course of law: The oath.
So help me God.

And no sentence of death shall be given against any offender by any such general court martial as aforesaid, unless nine officers present shall concur therein; and if there be more officers present than thirteen, then the judgement shall pass by the concurrence of two thirds of the officers present; and no proceeding or trial shall be had upon any offence, but between the hours of eight of the clock in the morning, and three in the afternoon, except in cases which require an immediate example. In sentences or death, nine officers to concur, &c. Hours of trial.

VIII. Provided always, That the party tried by any general court martial to be held as aforesaid, shall be intitled to a copy of the sentence and proceedings of such court-martial, upon demand thereof made by himself, or by any other person or persons on his behalf (he or they paying reasonably for the same) at any time not sooner than three months after such sentence, whether such sentence be approved or not; any thing in this act to the contrary notwithstanding. The party tried, in intitled to a copy of the sentence and proceedings of the court-martial.

IX. And be it enacted by the authority aforesaid, That every judge advocate, or person officiating as such at any general court martial to be held as aforesaid, do, and he is hereby required to transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial to the secretary of the admiralty for the time being; which original proceedings and sentence shall be by him carefully kept and preserved in the office of the admiralty of Great Britain, to the end that the persons intitled thereto may be enabled, upon application to the said office, to obtain copies thereof, according to the true intent and meaning of this act. Original proceedings, &c. of courts martial, to be transmitted to the secretary of the admiralty, &c.

X. Provided always, and be it hereby declared and enacted, That no marine, either officer or private man, being acquitted or convicted of any offence at any such court martial as aforesaid, shall be liable to be tried a second time by the same or any other court martial for the same offence; and that no sentence given by any court martial, and signed by the president thereof, be liable to be revised more than once. None to be tried a second time for the same offence. Sentence not to be revised more than once.

XI. And be it further enacted, That if any officer or private man shall desert his Majesty's service in any of his dominions beyond the seas, or elsewhere beyond the seas, and shall escape and come into this realm, or Ireland, before he be tried by a court martial for such offence, and shall be apprehended for the same, Deferters beyond sea, &c. may be tried here or in Ireland.

same, such officer or private man shall be tried for the same as in the said offence had been committed within this realm.

This act not to exempt any on shore from ordinary process.

XII. Provided always, That nothing in this act contained shall extend, or be construed to extend, to exempt any marine, either officer or private man whatsoever, while on shore, from being proceeded against by the ordinary course of law.

Persons acquitted by the civil magistrate, may only be cashiered by a court martial. Persons accused of capital crimes, &c. to be delivered over to the civil magistrate, &c.

XIII. Provided also, and be it further enacted, That no person or persons being acquitted or convicted of any capital crimes, violences, or offences by the civil magistrate, shall be liable to be punished by a court martial for the same otherwise than by cashiering.

XIV. Provided also, and be it further enacted, That if any marine officer, non-commission officer, or private man, shall be accused of any capital crime, or of any violence or offence against the person, estate, or property, of any of his Majesty's subjects, which is punishable by the known laws of the land; the commanding officer or officers of every company, or party, is and are hereby required to use his and their utmost endeavours to deliver over such accused person to the civil magistrate; and shall also be aiding and assisting to the officers of justice in the seizing and apprehending such offender, in order to bring him to trial: and if any such commanding officer shall wilfully neglect or refuse, upon application made to him for that purpose, to deliver over any such accused person to the civil magistrate, or to be aiding and assisting to the officers of justice in apprehending such offender; every such officer so offending, and being thereof convicted before any two or more justices of the peace for the county where the fact is committed, by the oath of two credible witnesses, shall be deemed and taken to be *ipse facto* cashiered, and shall be uttered disabled to have or hold any civil or military office or employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace for the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court martial.

XV. And whereas his Majesty hath been graciously pleased, in compassion to the distressed condition of several widows of officers of the army, who have lost their lives in the service of the late war, or during the late rebellion, by orders made under his royal sign manual, to direct his commissary general of the musters, to allow upon the muster-rolls of all the regiments, troops, and companies, a number of fictitious names therein mentioned, instead of private men, in order to raise and settle a fund for the maintenance of such widows of officers, as are or shall be intitled to his royal bounty: therefore for the more effectually fulfilling his Majesty's said gracious intentions, with respect to the allowing of fictitious names upon the muster-rolls of the said marine forces while on shore, for the purposes afore-said; be it further enacted and declared by the authority afore-said, That it shall and may be lawful, during the continuance of this act, to and for the said lord high admiral, or three or more of the said commissioners for executing the said office of lord

Fictitious names allowed by his Majesty's order

lord-high admiral for the time being, by orders in writing under his or their respective hand or hands, to direct the person for the time being authorized to pay the said marine forces, to pay over the full pay of such fictitious private men as shall be allowed on the muster-rolls of the said marine forces while on shore as aforesaid, to the proper receiver appointed by his Majesty, according to such orders and instructions as his Majesty shall be pleased to make, under his sign manual, for the purpose aforesaid; and that no allowance of any such fictitious name upon any muster-roll of the said marine forces while on shore as aforesaid, shall be construed to be a false muster; any thing in this or any former act contained to the contrary notwithstanding.

upon the muster rolls, for the maintenance of officers widows, not to be construed a false muster. Paymaster to pay the full pay of such men to the receiver.

XVI. *And whereas there is and may be occasion for the marching and quartering of the said marine forces in several parts of this kingdom*; be it further enacted by the authority aforesaid, That for and during the continuance of this act, and no longer, in pursuance of an order or orders in writing in that behalf, under the hand of the said lord high admiral, or under the hands of three or more of the commissioners for executing the office of lord high admiral for the time being, it shall and may be lawful to and for the constables, tythingmen, headboroughs, and other chief officers and magistrates of cities, towns, and villages, and other places, within *England, Wales*, and the town of *Berwick upon Tweed*, and in their default or absence, for any one justice of the peace inhabiting in or near any such city, town, village, or place, and for no others; and such constables, and other civil magistrates as aforesaid, are hereby required to quarter and billet the marines, both officers and private men in his Majesty's service, in inns, livery stables, ale-houses, victualing-houses, and the houses of sellers of wine by retail to be drank in their own houses, or places thereunto belonging, and all houses of persons selling brandy, strong waters, cyder, or metheglin, by retail, to be drank in houses, other than and except the house or houses of any distillers, who keep houses or places of distilling brandy and strong waters, and the house of any shopkeeper, whose principal dealings shall be more in other goods and merchandizes than in brandy and strong waters (so as such distillers and shopkeepers do not permit or suffer tippling in his or their houses) and in no other, and in no private houses whatsoever, without the consent of the occupier; nor shall any more billets at any time be ordered, than there are effective marines present to be quartered; and if any constable, tythingman, or such like officer or magistrate as aforesaid, shall presume to quarter or billet any such officer or private man in any such private house, without the consent of the occupier; in such case, such occupier shall have his or their remedy at law against such magistrate or officer, for the damage that such occupier shall sustain thereby; and if any marine officer shall take upon him to quarter private men otherwise than is limited and allowed by this act, or shall use or offer any menace or compulsion to any

Constables. &c. to quarter officers and men in inns, alehouses, &c.

But in no distillers houses, or shopkeepers, or in any private houses

Penalty on officers quartering private men contrary to this act, &c.

mayors, constables, or other civil officers before-mentioned, tending to deter and discourage any of them from performing any part of their duty hereby required or appointed; such marine officer shall, for every such offence (being thereof convicted before any two or more of the next justices of the peace of the county, by the oath of two credible witnesses) be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any military employment within this kingdom, or in his Majesty's service; provided the said conviction be affirmed at the next quarter sessions of the peace of the said county, and a certificate thereof be transmitted to the judge advocate, who is hereby obliged to certify the same to the next court-martial; and in case any person shall find himself aggrieved, in that such constable, tythingman, or headborough, chief officer, or magistrate (such chief officer or magistrate not being a justice of the peace) has quartered or billeted in his house a greater number of marines than he ought to bear in proportion to his neighbours; and shall complain thereof to one or more justice or justices of the peace of the division, city, or liberty, where such marines are quartered; or in case such chief officer or magistrate shall be a justice of the peace, then on complaint made to two or more justices of the peace of such division, city, or liberty, such justice or justices respectively shall have, and is or are hereby declared to have power to relieve such person, by ordering such and so many of the said marines to be removed, and quartered upon such other person or persons, as they shall see cause; and such other person or persons shall be obliged to receive such marines accordingly.

Persons aggrieved by being quartered on, may complain to any justices, and be relieved.

Officers and marines to be furnished at the rates herein set for their provisions.

XVII. Provided nevertheless, and it is hereby enacted, That the marine officers and private men so quartered and billeted as aforesaid, shall be received and furnished with diet and small beer by the owners of the inns, livery stables, ale houses, victualling-houses, and the houses of sellers of wine by retail, to be drank in their own houses, or places thereunto belonging, and other houses in which they are allowed to be quartered and billeted by this act; paying and allowing for the same the several rates herein after mentioned to be payable out of the subsistence money for diet and small beer.

What innholders may allow men quartered on them, instead of meat.

XVIII. Provided always, That in case any innholder or other person on whom any non-commission officers or private men shall be quartered by virtue of this act (except on a march, or employed on recruiting; and likewise except the recruits by them raised, for the space of seven days at most, for such non-commission officers and private men who are recruiting, and recruits by them raised) shall be desirous to furnish such non-commission officers or private men with candles, vinegar, and salt, and with either small beer or cyder, not exceeding five pints for each man *per diem*, *gratis*, and allow to such non-commission officers or private men the use of fire, and the necessary utensils for dressing and eating their meat, and shall give notice of such his desire to the commanding officer, and shall furnish and

and allow the same accordingly; then, and in such case, the non-commission officers and private men so quartered shall provide their own victuals; and the officer to whom it belongs to receive, or who shall actually receive the pay and subsistence of such non-commission officers and private men, shall pay the several sums herein after mentioned to be payable out of the subsistence money for diet and small beer, to the non-commission officers and private men aforesaid, and not to the innholder or other person on whom such non-commissioners and private men are quartered; any thing herein contained to the contrary notwithstanding.

XIX. Provided always, and be it enacted by the authority aforesaid, That if any marine officer shall take, or cause to be taken, or knowingly suffer to be taken, any money of any person for excusing the quartering of officers or private men, or any of them, in any house allowed by this act, every such officer shall be cashiered, and be incapable of serving in any military employment whatsoever. Penalty on taking money to excuse any person from quartering.

XX. And whereas it may be for the benefit of the service, for the commanding officer to have a power to exchange the billets or quarters of marines, quartered in the same town or place; be it therefore enacted by the authority aforesaid, That the commanding officer of marines, in any town or place where such marine forces are quartered, shall, and he is hereby declared to have power, from time to time, to exchange any marine or marines quartered in such town or place, for any other marine or marines quartered in the same town or place, provided the number of men do not exceed the number at that time billeted on such houses respectively, where such men shall be exchanged; and the constables, tythingmen, headboroughs, and other chief officers and magistrates, of the cities, towns, and villages, or other places where any of the said marine forces shall be quartered, are hereby required to billet such men so exchanged accordingly. Commanding officer may exchange marines in their quarters.

XXI. And be it further enacted by the authority aforesaid, That from and after the twenty fifth day of *March* one thousand seven hundred and sixty one, no paymaster, or other officer or person whatsoever, shall receive any fees, or make any deductions whatsoever out of the pay of any marine, either officer or private man, in his Majesty's service, or from their agents, which shall grow due from and after the said twenty fifth day of *March* one thousand seven hundred and sixty one; other than the usual deductions for cloathing, and twelve pence in the pound to be disposed of as his Majesty shall think fit, and the one day's pay in the year for the use of the royal hospital at *Chelsea*, and such other necessary deductions as shall, from time to time, be directed by the said lord high admiral, or three or more of the commissioners for executing the office of lord high admiral for the time being, by order in writing under his or their respective hand or hands. No paymaster, &c. to make deductions out of officers or private mens pay.

XXII. And that the quarters both of the said marine officers and private men, while on shore, as aforesaid, may, during the conti-

Officers to give notice to innkeepers of subsistence-money in their hands.

Rates of subsistence to be paid to innkeepers, &c. for marines quarters.

Officers not giving notice of subsistence-money, and paying quarters,

Paymasters to satisfy them out of the company's next pay,

and officer to be cashiered.

nuance of this act, be duly paid and satisfied, and his Majesty's duties of excise better answered, be it enacted by the authority aforesaid, That from and after the said twenty fifth day of March, one thousand seven hundred and sixty one, every officer or other person to whom it belongs to receive, or that shall actually receive, the pay or subsistence money, for one or more particular company or companies of the said marine forces, or otherwise, shall immediately, upon each receipt of every particular sum which shall, from time to time, be paid, returned, or come to his or their hands, on account of pay or subsistence, give publick notice thereof to all persons keeping inns, or other places where officers or private men are quartered by virtue of this act; and shall also appoint the said innkeepers, and others, to repair to their quarters at such times as they shall appoint, for the distribution and payment of the said pay or subsistence money to such officers or private men, which shall be within four days at the farthest after the receipt of the same as aforesaid; and the said innkeepers, and others, shall then and there acquaint such officer or officers with the accounts or debts (if any shall be) between them and the officers and private men so quartered in their respective houses; which accounts the said officer or officers is or are hereby required to accept of, and immediately pay the same, before any part of the said pay or subsistence be distributed either to the officers or private men: provided the said accounts exceed not, for one marine commission officer under the degree of a captain, for such officer's diet and small beer, *per diem*, one shilling; and if such officer shall have a horse or horses, for each such horse or horses, for their hay and straw, *per diem*, six pence; nor for one private man's diet and small beer, *per diem*, four pence; and if any officer or officers as aforesaid, shall not give notice as aforesaid, and shall not immediately, upon producing such account stated, satisfy, content, and pay the same; upon complaint and oath made thereof, by any two witnesses, at the next quarter sessions for the county or city wherein such quarters were (which oath the justices of the peace at such sessions are hereby authorized and required to administer) the paymaster or person for the time being authorized to pay the said marine forces is hereby required and authorized (upon certificate of the said justices before whom such oath was made, of the sum due upon such accounts, and the persons to whom the same is owing) to pay and satisfy the said sums out of the arrears due to the said marine officer or officers, upon penalty that such paymaster or person shall forfeit their respective place or places of paymaster or otherwise, and be discharged from holding the same for the future: and in case there shall be no arrears due to the said officer or officers, then the said paymaster or person for the time being authorized to pay the said marine forces, is hereby authorized and required to deduct the sums he shall pay, pursuant to the certificate of the said justices, out of the next pay or subsistence money of the company to which such officer or officers shall belong; and such officer or officers shall, for such their offence, or

for

for neglecting to give notice of the receipt of such pay or subsistence money as aforesaid, be deemed and taken, and are hereby declared *ipso facto* cashiered. And where it shall happen that the subsistence money due to any marine officer or private man, shall, by occasion of any accident, not be paid to such officer or private man, or such officer or private man shall neglect to pay the same, so that quarters cannot be, or are not paid, as this act directs; in every such case it is hereby further enacted, That On moving every such officer shall, before his or their departure out of his from quarters, or their quarters, where such company shall remain for any the officer to time whatsoever, make up the accounts, as this act directs, make up accounts, and with every person with whom such company shall have quarter- give certificates for money, due, &c. ed, and sign a certificate thereof, and give the said certificate, so by him signed, to the party to whom such money is due, with the name of such company to which he or they shall belong; to the end the said certificate may be forthwith transmitted to the Paymaster to proper paymaster of the marines, who is hereby required immediately to make payment thereof to the person or persons to whom such money shall be due, to the end the same may be applied to such company, under pain as is before in this act directed for nonpayment of quarters.

XXIII. And be it enacted by the authority aforesaid, That it Officers, &c. shall and may be lawful to quarter officers and private men of to be quartered his Majesty's marine forces in *Scotland*, in such and the like in *Scotland*, places and houses as officers and private men of the land forces as the laws in might have been quartered in by the laws in force in *Scotland* at the time of the union; and that the possessors of such houses force at the union direct. shall only be liable to furnish the said marine officers and private men quartered there, as by the said laws in force at the time of the union was provided, with respect to the officers and private men of the land forces; and that no such marine officer shall be obliged to pay for his lodging, where he shall be regularly billeted, except in the suburbs of *Edinburgh*.

XXIV. And be it further enacted by the authority aforesaid, That for the better and more regular provision of carriages for Justices to order constables his Majesty's marine forces in their marches, or for their arms, der constables clothes, or accoutrements, in *England*, *Wales*, and the town of to provide carriages for the *Berwick upon Tweed*, all justices of the peace, within their several marine forces counties, ridings, divisions, shires, liberties, and precincts, being on their march. duly required thereunto by the said lord high admiral, or three or more of the commissioners for executing the office of lord high admiral for the time being, by an order in writing under his or their respective hand or hands, shall, as often as such order shall be brought and shewn unto one or more such justices, by the officer or officers of the company or companies of marines so ordered to march, issue out his or their warrant or warrants to the high constables or petty constables of the division, riding, city, liberty, hundred, or precinct, from, through, near, or to which such company or companies shall be ordered to march; requiring them to make such provision for carriages with able men to drive the same, as shall be mentioned in the said warrant,

Rates for car-
riages.

Penalty on of-
ficers forcing
waggons to
travel more
than one day's
journey, &c.

Penalty on
constables, &c.
neglect.

rant, allowing them sufficient time to do the same, that the neighbouring parts may not always bear the burthen; and in case sufficient carriages cannot be provided within any such riding, city, liberty, hundred, division, or precinct; then the next justice or justices of the peace of the county, riding, or division, shall, upon such order as aforesaid being brought or shewn to one or more of them, by any of the marine officers aforesaid, issue his or their warrant or warrants to the high constables or petty constables of such next county, riding, liberty, division, or precinct, for the purposes aforesaid, to make up such deficiency: and the aforesaid officer or officers, who by virtue of the aforesaid warrant or warrants from such justice or justices of the peace, is or are to demand the carriage or carriages therein mentioned, of the high constable or petty constable to whom the warrant is directed, is and are hereby required at the same time to pay down in hand to the said constable or petty constable, for the use of the person who shall provide such carriages and men, the sum of one shilling for every mile any waggon with five horses shall travel; and the sum of one shilling for every mile any wain with six oxen, or four oxen with two horses, shall travel; and the sum of nine pence for every mile any cart with four horses shall travel; and so in proportion for less carriages; for which respective sums so received, the said constable or petty constable is hereby required to give a receipt in writing to the person or persons paying the same: and such constable or petty constable shall order and appoint such person or persons, having carriages within their respective liberties, as they shall think proper, to provide and furnish such carriages and men, according to the warrant aforesaid, who are hereby required to provide and furnish the same accordingly: and if any marine officer or officers, for the use of whose company or companies the carriage was provided, shall force and constrain any waggon, wain, cart, or carriage, to travel more than one day's journey, or shall not discharge the same in due time for their return home, or shall suffer any marine or servant (except such as are sick) or any woman to ride in the waggon, wain, cart, or carriage aforesaid, or shall force any constable or petty constable, by threatenings or menacing words, to provide saddle horses for themselves or servants, or shall force horses from the owners by themselves, servants, or private men; every such officer, for every such offence, shall forfeit the sum of five pounds; proof thereof being made upon oath before two of his Majesty's justices of the peace of the same county or riding, who are to certify the same to the proper paymaster of his Majesty's marine forces, who is hereby required to pay the aforesaid sum of five pounds accordingly to the order and appointment under the hands and seals of such justices of the peace, and is also hereby empowered to deduct the same out of such officer's pay.

XXV. And be it enacted by the authority aforesaid, That if any high constable or petty constable shall wilfully neglect or refuse to execute any such warrant of the said justice or justices of the peace, as shall be directed unto such constable or petty constable,

stable for providing carriages as aforesaid; or if any person or persons, appointed by such constable or petty constable to provide or furnish any carriage and man, shall refuse or neglect to provide the same; or any other person or persons whatsoever shall wilfully do any act or thing, whereby the execution of any such warrant or warrants shall be hindered or frustrated; every such constable, or other person or persons so offending, shall, for every such offence, forfeit any sum not exceeding forty shillings, or less than twenty shillings, to the use of the poor of the parish where any such offence shall be committed: and all and every such offence and offences shall and may be inquired of, heard, and fully determined, by two of his Majesty's justices of the peace, dwelling in or near the place where such offence shall be committed, who have hereby power to cause the said penalty to be levied by distress and sale of the offender's goods and chattels, rendering the overplus (if any) to the owner.

XXVI. *And whereas the respective sums of money by this act appointed to be paid to the constables by the officers demanding such carriages, may not, in many cases, be sufficient to answer the charge and expence of providing the same, whereby the said constables may be frequently at great charges, over and above what is received by them of the said officers, to the great burthen of the township of which they are respectively constables, or else the persons furnishing such carriages may be grievously oppressed; to prevent which, and that such overplus charge may be borne by each county or riding, at the general charge of such county or riding, be it further enacted by the authority aforesaid, That the treasurer or treasurers of each respective county or riding shall, without fee or reward, pay unto such constable all and every such reasonable sum or sums of money, so by him paid or laid out for such carriages, over and above what was or ought to have been paid by the marine officer requiring such carriages, out of the publick stock of such county or riding, according to such rates, orders, rules, and directions, as the said justices of the peace, in their quarter sessions assembled, within their respective jurisdictions, shall, from time to time, during the continuance of this act, make, direct, and appoint (which orders shall be made without fee or reward) regard being always had to the season of the year, and the length and condition of the roads through which such carriages are to travel.*

Treasurers of the county to repay the constable's extraordinary charges.

XXVII. *And in case the said publick stock of the county or riding be not sufficient (over and above the other purposes for which it was raised) to satisfy the extraordinary charge of carriages before mentioned; it is hereby further enacted, That the said justices of the peace in the general quarter sessions shall have power, from time to time, to raise monies upon the respective counties or ridings in such manner as they now raise monies for building or repairing county gaols and bridges, to satisfy the said extraordinary charge of carriages.*

The money for those purposes how to be raised.

XXVIII. Provided always, and be it further enacted, That no waggon, wain, cart, or carriage, impressed by authority of this

No waggon, &c. to carry above 20 hundred weight.

this act, shall be liable or obliged, by virtue of this act, to carry above twenty hundred weight; any thing in this act contained to the contrary notwithstanding.

Carriages in Scotland how to be provided.

XXIX. And be it further enacted, That the carriages for the service of the marine forces quartered or marching in Scotland, shall be provided in like manner, and at the rates, and the furnisher of such carriages shall be paid, as was directed by the law in force in Scotland, at the time of the union, with regard to the furnishing carriages for land forces.

Marines wives, &c. not to be quartered without consent.

XXX. And be it enacted by the authority aforesaid, That if any officer, military or civil, by this act authorized to quarter marines in any houses hereby appointed for that purpose, shall at any time, during the continuance of this act, quarter any of the wives, children, men or maid servants of any officer or marine in any such houses, against the consent of the owners; the party offending, if an officer of the marines, shall, upon complaint and proof thereof made to the commissioners for executing the office of lord high admiral, or judge advocate, be *ipso facto* cashiered; and if a constable, tythingman, or other civil officer, he shall forfeit to the party aggrieved twenty shillings, upon complaint and proof thereof made to the next justice of the peace, to be levied by warrant of such justice, by distress and sale of his goods, rendering the overplus to the party, after deducting reasonable charges in taking the same.

Penalty.

Penalty on officers or marines destroying the game.

XXXI. And for the better preservation of the game, in or near such place, where any officers or soldiers shall at any time be quartered; be it enacted by the authority aforesaid, That if, from and after the said twenty fifth day of March one thousand seven hundred and sixty one, any officer or marine shall, without leave of the lord of the manor, under his hand and seal, first had and obtained, take, kill, or destroy, any hare, coney, pheasant, partridge, pigeon, or any other sort of fowls, poultry, or fish, or his Majesty's game, within the kingdom of Great Britain; and upon complaint thereof shall be, upon oath of one or more credible witness or witnesses, convicted before any justice or justices of the peace, who is and are hereby empowered and authorized to hear and determine the same; (that is to say) every officer so offending shall, for every such offence, forfeit the sum of five pounds, to be distributed among the poor of the place where such offence shall be committed; and every officer commanding in chief upon the place, for every such offence committed by any marine under his command, shall forfeit the sum of twenty shillings, to be paid and distributed in manner aforesaid: and if, upon conviction made by the justices of the peace, and demand thereof also made by the constable or overseers of the poor, such officer shall refuse or neglect, and not within two days pay the said respective penalties, such officer so refusing or neglecting shall forfeit, and is hereby declared to have forfeited, his commission, and his commission is hereby declared to be null and void.

XXXII. And whereas several marines who being duly entered may

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afterwards desert, and be found wandering, or otherwise absenting themselves illegally from his Majesty's service; it is hereby further enacted, That it shall and may be lawful to and for the constable, headborough, or tythingman of the town or place, where any person, who may be reasonably suspected to be such a deserter, shall be found, to apprehend, or cause him to be apprehended, and to cause such person to be brought before any justice of the peace, living in or near such town or place, who is hereby empowered and required to examine such suspected person; and if by his confession, or the testimony of one or more witness or witnesses upon oath, or by the knowledge of such justice of the peace, it shall appear or be found, that such suspected person is a marine duly entered; and ought to be with the company to which he belongs; such justice of the peace shall forthwith cause him to be conveyed to the gaol of the county or place where he shall be found; or to the house of correction, or other publick prison in such town or place where such deserter shall be apprehended; or to the *Savoy*, in case such deserter shall be apprehended within the city of *London*, or *Westminster*, or places adjacent; and transmit an account thereof to the secretary of the admiralty for the time being, to the end such person may be proceeded against according to law: and the keeper of such gaol, house of correction, or prison, shall receive the full subsistence of every such deserter, during the time he shall continue in his custody, for the maintenance of such deserter; but shall not be intitled to any fee or reward, on account of the imprisonment of such deserter; any law, usage, or custom, to the contrary notwithstanding.

Constables may apprehend deserters, and carry them before a justice.

Justice to commit them,

and transmit an account to the secretary of the admiralty.

Gaol keeper to receive the subsistence of deserters.

XXXIII. And, for the better encouragement of any person or persons to secure or apprehend such deserters; be it further enacted by the authority aforesaid, That such justice of the peace shall also issue his warrant in writing to the collector or collectors of the land tax money of the parish or township where such deserter shall be apprehended, for paying out of the land tax money arisen or to arise in the year one thousand seven hundred and sixty one, into the hands of such person or persons who shall apprehend, or cause to be apprehended, any such deserter from his Majesty's service, the sum of twenty shillings for every such deserter that shall be so apprehended and committed; which sum of twenty shillings shall be satisfied by such collector or collectors to whom such warrant shall be directed, and allowed upon his or their account.

Reward for taking up deserters.

XXXIV. And be it further enacted, That if any person shall harbour, conceal, or assist any deserter from his Majesty's marine service, knowing him to be such; the person so offending shall forfeit, for every such offence, the sum of five pounds; or, if any person shall knowingly detain, buy, or exchange, or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any marine or marine deserter, upon any account or pretence whatsoever, or cause the colour of such clothes to be changed; every such person so offending in each, any,

Penalty on persons concealing deserters, or buying their arms, &c.

any, or either of the cases aforesaid, shall forfeit for every such offence the sum of five pounds; and upon conviction by the oath of one or more credible witness or witnesses, before any one or more of his Majesty's justices of the peace, the said respective penalties of five pounds, and five pounds, shall be levied by warrant under the hands of the said justice or justices of the peace, by distress and sale of the goods and chattels of the offender; one moiety of the said first mentioned penalty of five pounds to be paid to the informer, by whose means such deserter shall be apprehended; and one moiety of the said last mentioned penalty of five pounds to be paid to the informer; and the residue of the said respective penalties to be paid to the officer to whom any such deserter or marine did or doth belong: and in case any such offender, who shall be convicted, as aforesaid, of harbouring or assisting any such deserter or deserters; or having knowingly received any arms, clothes, caps, or other furniture belonging to the King; or of having caused the colour of such clothes to be changed, contrary to the intent of this act, shall not have sufficient goods and chattels, whereon distress may be made, to the value of the penalties recovered against him for such offence, or shall not pay such penalties within four days after such conviction; then, and in such case, such justice or justices of the peace shall and may, by warrant under his or their hand and seal, or hands and seals, either commit such offender to the common gaol, there to remain without bail or mainprize for the space of three months, or cause such offender to be publicly whipt, at the discretion of such justice or justices.

This act to extend to deserters, &c. in Ireland.

XXXV. Provided always, That so much of this act as relates to the punishment of such who shall harbour, conceal, or assist deserters, or shall knowingly detain, buy, exchange, or otherwise receive, any arms, clothes, caps, or other furniture belonging to the King, from any marine or marine deserter, or cause the colour of such clothes to be changed, shall extend, to all ends and purposes whatsoever, to *Ireland*, and shall be put in execution in that kingdom, by all justices of the peace, and other officers respectively, according to the tenor, and during the continuance of this act.

Continuance of this act.

XXXVI. And be it further enacted by the authority aforesaid, That this act, and every thing herein contained, shall be and continue in force from the said twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and sixty one, until the twenty fifth day of *March*, in the year of our Lord one thousand seven hundred and sixty two.

No volunteer liable to process, unless for some criminal matter,

XXXVII. *And to prevent, as far as may be, any unjust or fraudulent arrests that may be made upon marines, whereby his Majesty and the publick may be deprived of their service*; it is hereby further enacted by the authority aforesaid, That no person whatsoever, who is entered, or shall enter himself as a volunteer in his Majesty's service, as a marine, during the continuance of this act, shall be liable to be taken out of his Majesty's service by any process or execution whatsoever, other than for some criminal mat-

matter, unless for a real debt, or other just cause of action; and unless, before the taking out of such process or execution (not being for a criminal matter) the plaintiff or plaintiffs therein, or some other person or persons on his or their behalf, shall make affidavit before one or more judge or judges of the court of record, or other court, out of which such process or execution shall issue, or before some person authorized to take affidavits in such courts, that to his or their knowledge the original sum, justly due and owing to the plaintiff or plaintiffs from the defendant or defendants, in the action or cause of action on which such process shall issue, or the original debt for which such execution shall be issued out, amounts to the value of ten pounds at least, over and above all costs of suit in the same action, or in any other action on which the same shall be grounded; a memorandum of which oath shall be marked on the back of such process or writ; for which memorandum or oath no fee shall be taken: and if any person shall nevertheless be arrested contrary to the intent of this act, it shall and may be lawful for one or more judge or judges of such court, upon complaint thereof made by the party himself, or by any his superior officer, to examine into the same by the oath of the parties, or otherwise, and by warrant under his or their hands and seals, to discharge such marine so arrested contrary to the intent of this act, without paying any fee or fees, upon due proof made before him or them, that such marine so arrested, was legally entered as a marine in his Majesty's service, and arrested contrary to the intent of this act, and also to award to the party so complaining, such costs as such judge or judges shall think reasonable: for the recovery whereof, he shall have the like remedy that the person who takes out the said execution might have had for his costs, or the plaintiff in the like action might have had for the recovery of his costs, in case judgement had been given for him with costs against the defendant in the said action.

or unless for a real debt or the value of 10l. Oath of the debt to be made before a judge.

and a memorandum thereof marked on the back of the process;

otherwise prisoner to be discharged with costs.

XXXVIII. *And to the end that honest creditors, who aim only at the recovery of their just debts due to them from persons entered as marines in his Majesty's service, may not be hindered from suing for the same, but on the contrary may be assisted and forwarded in their suits; and instead of an arrest, which may at once hurt the service, and occasion a great expence and delay to themselves, may be enabled to proceed in a more speedy and cheap method;* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any plaintiff or plaintiffs, upon notice first given in writing of the cause of action to such person or persons so entered, or left at his or their last place of residence before such entering, to file a common appearance in any action to be brought for or upon account of any debt whatsoever, so as to entitle such plaintiff to proceed therein to judgement and outlawry, and to have an execution thereupon, other than against the body or bodies of him or them so entered as aforesaid; this act, or any thing herein, or any former law or statute, to the contrary notwithstanding.

Plaintiff giving notice, may file a common appearance, and proceed to judgement and execution.

XXXIX. And be it further enacted by the authority aforesaid,
That

Penalty on constables, &c. neglecting to quarter marines.

Penalty on taking money to excuse any person from quartering,

and on victuallers refusing to receive marines.

That if any high constable, constable, bedel, or other officer or person whatsoever, who, by virtue or colour of this act, shall quarter or billet, or be employed in quartering or billeting, any marine, officers or private men, shall neglect or refuse, for the space of two hours, to quarter or billet such officers or marines when thereunto required, in such manner as is by this act directed, provided sufficient notice be given before the arrival of such forces; or shall receive, demand, contract, or agree for any sum or sums of money, or any reward whatsoever, for or on account of excusing, or in order to excuse any person or persons whatsoever from quartering or receiving into his, her, or their house or houses any such officer or marine; or in case any victualler, or any other person, liable by this act to have any officer or marine billeted or quartered on him or her, shall refuse to receive or victual any such officer or marine so quartered or billeted upon him or her as aforesaid; or shall refuse to furnish or allow, according to the directions of this act, the several things herein before respectively directed to be furnished or allowed to non-commission officers and marines so quartered or billeted on him or her as aforesaid, at the rate herein before-mentioned, and shall be thereof convicted before any one or more justice or justices of the peace of the county, city, or liberty, within which such offence shall be committed, either by his own confession, or by the oath of one or more credible witnesses or witnesses (which oath the said justice or justices is and are hereby empowered to administer) every such high constable, constable, bedel, or other officer or person so offending, shall forfeit, for every such offence, the sum of five pounds, or any sum of money not exceeding five pounds, nor less than forty shillings (as the said justice or justices, before whom the matter shall be heard, shall, in his or their discretion, think fit) to be levied by distress and sale of the goods of the person offending, by warrant under the hand and seal, or hands and seals, of such justice or justices, before whom such offender shall be convicted, or of one or more of them, to be directed to any other constable within the county, city, or liberty, or to any of the overseers of the poor of the parish where the offender shall dwell; and the said sum of five pounds, or the said sum not exceeding five pounds, nor less than forty shillings, when levied, to be paid to the overseers of the poor of the parish where the offence shall be committed, or to some one of them, for the use of the poor of such parish.

To prevent abuses in quartering justices may order constables to give an account of the number of

XL. *And, for the better preventing abuses in quartering or billeting the marines, in pursuance of this act;* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for any one or more justice or justices of the peace, within their respective counties, cities, or liberties, by warrant or order under his or their hand and seal, or hands and seals, at any time or times during the continuance of this act, to require and command any high constable, constable, bedel, or other officer, who shall quarter or billet any marines in pursuance of this act, to give an

account in writing unto the said justice or justices requiring the officers, and same, of the number of officers and private men who shall be private men, quartered or billeted by them, and also the names of the house-keepers or persons upon whom every such officer or private man shall be quartered or billeted, together with an account of the street or place where every such housekeeper dwells, and the signs, (if any) belonging to their houses; to the end that it may appear to the said justice or justices where such officers and private men are quartered or billeted, and that he or they may thereby be the better enabled to prevent or punish all abuses in the quartering or billeting of them. and where quartered.

XLI. Provided nevertheless, and it is hereby declared by the authority aforesaid, That from and after the twenty fifth day of *March* one thousand seven hundred and sixty one, when and as often as any person or persons shall be enlisted as a ~~man~~ or marines in his Majesty's service, he and they shall, within four days, but not sooner than twenty four hours, after such enlisting respectively, be carried before the next justice of the peace of any county, riding, city, or place, or chief magistrate of any city or town corporate (not being an officer of marines) and before such justice or chief magistrate, he or they shall be at liberty to declare his or their dissent to such enlisting; and upon such declaration, and returning the enlisting money, and also each person so dissenting paying the sum of twenty shillings for the charges expended or laid out upon him, such person or persons so enlisted shall be forthwith discharged and set at liberty, in the presence of such justice or chief magistrate; but if such person or persons shall refuse or neglect, within the space of twenty four hours, to return and pay such money, as aforesaid, he or they shall be deemed and taken to be enlisted, as if he or they had given his or their assent thereto before the said justice or chief magistrate; or if such person or persons shall declare his or their having voluntarily enlisted himself or themselves, then such justice or chief magistrate shall, and he is hereby required forthwith to certify under his hand, that such person or persons is or are duly enlisted; setting forth the place of the birth, age, and calling of him or them respectively (if known) and that the second and third sections of the articles of war for the better government of his Majesty's marine forces while on shore in *Great Britain or Ireland*, were read to him or them, and that he or they had taken the oath of fidelity mentioned in the twelfth section of the said articles of war; and if any such person or persons, so to be certified as duly enlisted, shall refuse to take the said oath of fidelity before the said justice or chief magistrate, it shall and may be lawful for such officer, from whom he has received such money as aforesaid, to detain or confine such person or persons, until he or they shall take the oath before required; and every officer of marines that shall act contrary hereto, or offend herein, upon proof thereof upon oath made by two witnesses before a general court martial to be thereupon called, shall, for such offence, be forthwith cashiered and displaced from such his office, and shall be thereby utterly disabled to have or hold any civil or military

Clause for relief of persons hastily listing themselves.

military office or employment within this kingdom, or in his Majesty's service.

Marine forces being borne as part of the complement of any ships of war, are liable to be governed by the rules established by act 22 Geo. 2.

XLII. Provided always, and it is hereby declared, That all his Majesty's marine forces, as well officers as private men, shall, from time to time, during their being respectively borne as part of the complement of any of his Majesty's ships or vessels, be subject or liable in like manner, in all respects, as any officers or seamen employed in his Majesty's sea service are subject and liable to be governed and proceeded against and punished for offences committed by them during the time they shall be borne as part of the complement of such ships or vessels, according to the purport, tenor, effect, and true intent and meaning of an act of parliament made in the twenty second year of the reign of his late majesty King George the Second, intituled, *An act for amending, explaining, and reducing into one act of parliament, the law relating to the government of his Majesty's ships, vessels, and forces by sea*; this present act or any thing herein contained notwithstanding.

CAP. IX.

An act to continue an act made in the sixth year of the reign of his late majesty King George the Second, intituled, An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America.

Preamble

WHEREAS the law herein after-mentioned hath been found useful and beneficial to the public, and is near expiring and fit to be continued; may it therefore please your Majesty, that it may be enacted, and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That an act made in the sixth year of the reign of his late majesty King George the Second, intituled, *An act for the better securing and encouraging the trade of his Majesty's sugar colonies in America*, which was to continue in force for five years, to be computed from the twenty fourth day of June, one thousand seven hundred and thirty three, and to the end of the then next session of parliament; and which, by several subsequent acts made in the eleventh, nineteenth, twenty sixth, twenty ninth, and thirty first years of the reign of his said late Majesty, was further continued until the twenty ninth day of September, one thousand seven hundred and sixty one, shall be, and the same is hereby further continued, from the expiration thereof, until the twenty ninth day of September, one thousand seven hundred and sixty three, and from thence to the end of the then next session of parliament.

Act 6 Geo. 2.

which was continued by several subsequent acts,

further continued to 29 Sept. 1763.

CAP. X.

An act for extending an act, intituled, An act to discontinue, for a limited time, the duties payable on tallow imported from Ireland, to hogs-lard and grease.

WHEREAS *an act made in the thirty second year of the reign of his late majesty King George the Second, intituled, An act to discontinue, for a limited time, the duties payable upon tallow imported from Ireland, hath been found of great utility and benefit to the publick, and if the same was extended to hogs-lard and grease, would be of further utility; may it therefore please your most excellent Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the said recited act shall extend, and be deemed, construed, and taken to extend to hogs-lard and grease, during the continuance of the said act.*

Preamble, reciting act 32 Geo. 2.

The recited act extended to hogs-lard and grease.

CAP. XI.

An act to enable his Majesty to make leases, and copies of offices, lands, and hereditaments, parcel of his dutchy of Cornwall, or annexed to the same; and for other purposes therein mentioned.

WHEREAS *his most excellent Majesty now stands seised of the dutchy of Cornwall, and the possessions thereof: and whereas some doubts may arise in relation to his Majesty's granting leases, and making copies of offices, lands, and hereditaments, parcel of his said dutchy, or thereunto annexed or belonging: for obviating whereof, and for the ease and quiet of the minds of such persons as have taken, or shall hereafter take leases from his said most excellent Majesty: and to the end that such persons may be sure to have good and indefeazable estates, and be encouraged to lay out monies in building and repairing, or otherwise improving the several lands and tenements to them demised, or to be demised; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons in this present parliament assembled, and by the authority of the same, That all leases and grants, made or to be made, by copy of court roll, according to the custom of the respective manor or manors of the said dutchy, or thereunto annexed or belonging; and all leases and grants, made or to be made within seven years next ensuing, by letters patents, or indentures, under the great seal of Great Britain, or seal of the court of exchequer, or by copy of court roll, according to the custom of the respective manors, of any offices, messuages, parks, lands, tenements, or hereditaments (other than honours, lordships, or manors) parcel of the possessions of the said dutchy of Cornwall, or annexed to the same, shall*

Preamble.

Leases and grants made by copy of court roll, or by letters patents or indentures within 7 years, to come, of any offices, lands, or hereditaments, parcel of the dutchy of Cornwall, or annexed

thereto, declared to be good against the crown ;

shall be good and effectual in law, according to the purport and contents of the same copies, leases, and grants, against our sovereign lord the King, his heirs, and successors, and against all and every other person or persons, that shall at any time hereafter have, inherit, or enjoy the said duchy by force of any act of parliament, or by other limitation whatsoever.

so as such leases be not for more than 3 lives, or 31 years; or a term determinable upon 3 lives at the most; and if in expectancy or reversion, not exceeding 3 lives, or 31 years; and so as the same be not dispunishable of waste; and the usual rent, or, where there was none before, a reasonable rent be reserved.

II. Provided always, That every such lease or grant, so made or to be made, be not for more than one, two, or three lives, or for one and thirty years, or under, or for some term of years, determinable upon one, two, or three lives, and not above; and if such leases or grants be made in reversion or expectancy, that then the same, together with the estates in possession, do not exceed three lives, or the term of one and thirty years, or some term of years, determinable upon one, two, or three lives, and being in any wise made dispunishable of waste, and so as upon every such lease or grant be, or shall be reserved, the ancient or most usual rent, or more, or such rent as hath been reserved, yielded, or paid, for the same manors, lands, or hereditaments, for the greater part of twenty years next before the making of the said leases; and where no such rent hath been reserved or payable, that then, upon every such lease there be, or shall be reserved, a reasonable rent, not being under the twentieth part of the clear yearly value of the manors, messuages, parks, lands, tythes, tenements, or hereditaments, contained in such lease or grant; and all leases and grants otherwise made, or to be made, shall be null and void.

The covenants, &c. in such leases or grants deemed good in law.

III. And be it further ordained and enacted by the authority aforesaid, That all covenants, conditions, reservations, and other agreements, contained in every lease, grant, or copy of court roll, made, or to be made as aforesaid, shall be good and effectual in law, according to the words and contents of the same, as well for and against them to whom the reversions of the same lands, tenements, and hereditaments, shall come, as for and against them to whom the interest of the said leases, grants, or copies, shall come respectively, as if our sovereign lord the King's majesty at the time of making such covenants, conditions, and reservations, and other agreements, were seised of an absolute estate in fee-simple in the same lands, tenements, or hereditaments: saving always, to all and every person and persons, bodies politick and corporate, their heirs and successors, executors, administrators, and assigns (other than to our said sovereign lord the King, and his heirs and successors, and the duke and dukes of *Cornwall* for the time being, and his and their heirs, and all and every other person and persons, that shall hereafter have, inherit, or enjoy, the said dukedom of *Cornwall*, by force of any act of parliament, or other limitation whatsoever) all such rights, titles, estates, customs, interests, tenures, claims, and demands whatsoever, of what nature, kind, or quality soever, of, in, to, or out of, the said offices, lands, tenements, or hereditaments, or any of them, as they or any of them had, or ought to have had, before the making of this act,

Reservation of rights.

act, to all intents and purposes, and in as large and ample manner and form, as if this act had never been had or made; this act, or any thing herein contained to the contrary, notwithstanding.

CAP. XII.

An act to indemnify persons who have omitted to qualify themselves for offices and employments; and to indemnify justices of the peace, deputy lieutenants, officers of the militia, and others, who have omitted to register or to deliver in their qualifications within the time limited by law; and for giving further time for those purposes.

Preamble, reciting the several qualifying acts of 1 Geo. 1. 13 Car. 2. 25 Car. 2. 30 Car. 2. 18 Geo. 2. 30 Geo. 2. and 31 Geo. 2. Further time to 12 Feb. 1762, allowed to persons who have omitted to qualify themselves, as the said laws direct. Persons qualifying themselves in manner, and within the time appointed, recapacitated, and indemnified. Officers, &c. already avoided by judgement of a court, and filed up, confirmed. None indemnified where final judgement hath been given for the penalty incurred.

CAP. XIII.

An act to amend an act passed in the eighteenth year of the reign of King George the Second, concerning the qualification of justices of the peace; and for other purposes therein mentioned.

WHEREAS by an act of parliament made in the eighteenth year of his late majesty King George the Second, of glorious memory, intituled, An act to amend and render more effectual an act passed in the fifth year of his present Majesty's reign, intituled, *An act for the further qualification of justices of the peace, it was enacted, That from and after the twenty fifth day of March, one thousand seven hundred and forty six, no person should be capable of being a justice of the peace, or of acting as such, for any county, riding, or division, within that part of Great Britain called England, or the principality of Wales, who should not have either in law or equity, to and for his own use and benefit, in possession, a freehold, copyhold, or customary estate for life, or for some greater estate, or an estate for some long term of years, determinable upon one or more life or lives, or for a certain term, originally created for twenty one years, or more, in lands, tenements, or hereditaments lying or being in that part of Great Britain called England, or the principality of Wales, of the clear yearly value of one hundred pounds, over and above what should satisfy and discharge all incumbrances that affect the same, and over and above all rents and charges, payable out of, or in respect of the same, or who should not be seized of, or intitled unto, in law or equity, to and for his own use and benefit, the immediate reversion or remainder of and in lands, tenements, or hereditaments, lying or being as aforesaid, which were leased for one, two, or three lives, or for any term of years determinable upon the death of one, two, or three lives, upon reserved rents, and which were of the clear yearly value of three hundred pounds; and who should not before he takes upon himself to act as a justice of peace, after the said twenty fifth day of March, at some general or quarter*

Preamble re-
citing act 18
Geo. 2.

sessions for the county, riding, or division, for which he did, or should intend to act, first take and subscribe the oath in the said act mentioned; which oath so taken and subscribed as aforesaid, should be kept by the clerk of the peace for the said county, riding, or division, for the time being, among the records of the sessions, for the said county, riding, or division: and it was by the said act further enacted, That from and after the said twenty fifth day of March, any person who should act as a justice of the peace for any county, riding, or division, within that part of Great Britain called England, or the principality of Wales, without having taken and subscribed the said oath as aforesaid, or without being qualified according to the true intent and meaning of the said act, should, for every such offence, forfeit the sum of one hundred pounds, to be recovered with full costs of suit, and applied in the manner in the said act mentioned: and whereas doubts have arisen, whether persons who were justices of the peace at the time of the demise of his said late majesty King George the Second, and who have been, or shall be constituted justices of the peace, by or under any commission of the peace granted, or which shall be granted, by his present Majesty, can act as justices of the peace, and open and hold any general or quarter session of the peace, before they shall have taken and subscribed the said oath, in manner and at the place as by the said in part recited act is directed and required, for want of which there may be a failure of the due execution of the laws of this realm: now for clearing such doubts, and preventing any inconveniencies that may arise; be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That all persons who were justices of the peace at the time of the demise of his said late majesty King George the Second, or who shall be justices of the peace at the time of the demise of his present Majesty, or any of his successors, Kings or Queens of this realm, and shall afterwards be appointed justices of the peace, by any commission granted, or which shall be granted, by his said present Majesty, or which, after his demise, shall be granted by any of his successors, Kings or Queens of this realm, and who shall take the oaths of office of a justice of the peace, for any county, city and county, town and county, riding, or division, before the clerk of the peace of the respective county, city and county, town and county, riding, or division, for which any such justice or justices of the peace shall act, or intend to act, or the deputy of such respective clerk of the peace, and who shall have taken and subscribed at some general or quarter session of the peace the said oath, by the said herein before in part recited act, of the eighteenth year of his said late Majesty's reign, directed and required to be there taken and subscribed, shall and may act as a justice of the peace for such county, city and county, town and county, riding, or division, without being obliged to take and subscribe again the said oath, without incurring any penalty or forfeiture, for the not taking and subscribing thereof; the said herein before in part recited act, or

All who were justices at the demise of the late King, or shall be such at the demise of his present Majesty, &c. and being afterwards in the commission of the peace, shall take the oaths of office, before the clerk of the peace; and those who shall have taken and subscribed at the quarter sessions, the oath required by the recited act of 18 Geo. 2. may act as justice, without taking

any

any other statute, law, or usage, to the contrary thereof in any wise notwithstanding: and that all acts, matters, and things, done or to be done, by all and every such justice and justices, or by authority derived, or to be derived, from him or them, are and shall be deemed and taken to all intents and purposes to be of the same force, effect, and validity, to all intents and purposes, as the same respectively would have been, if such person or persons had taken and subscribed such oath, by the said ~~herein before~~ in part recited act required to be taken and subscribed, at some general or quarter session for such county, city and county, town and county, riding or division, for which he or they did or should act, or intend to act.

II. And be it further enacted by the authority aforesaid, That from and after the passing this act, no person who hath already taken, or shall hereafter take, the oaths usually taken by a justice of the peace, under a writ or commission of *Dedimus Potestatem*, issued, or which shall be issued from the clerk of the crown, shall be obliged or compellable to sue out or have any other *Dedimus Potestatem* from the said clerk of the crown to authorize any person or persons therein to be named to administer again to any such justice, on any new commission of the peace being issued under the great seal of *Great Britain*, for any county, city and county, town and county, riding, or division, in *England* or *Wales*, the oaths usually annexed to such *Dedimus*, and taken by a justice of the peace; but that the clerk of the peace, or his deputy, of every county, city and county, town and county, riding, or division, in *England* and *Wales*, for which any such justice of the peace hath already acted and qualified, or hereafter, before the issuing any such new commission of the peace, shall act and qualify himself as before-mentioned, shall, on every such new commission of the peace being issued, prepare a parchment roll, with the oaths annexed to, and usually taken under, the said writ, or commission of *Dedimus Potestatem*, by justices of the peace, ingrossed on such roll, and shall administer, without fee or reward, the oaths in such roll specified to every such justice of the peace within the respective counties, cities and counties, towns and counties, ridings, or divisions, for which he shall respectively act, or intend to act, and who shall desire to take such oaths; and that every such justice of the peace, after the taking the oaths contained in the said roll, shall subscribe his name on the said parchment roll; and the said roll, with the oaths so taken and subscribed, shall be kept by the respective clerks of the peace of the respective counties, cities and counties, towns and counties, ridings and divisions, in *England* and *Wales*, for the time being, amongst the records of the sessions for the said respective counties, cities and counties, towns and counties, ridings and divisions.

and subscribing again the oath aforesaid; and all acts done by them are declared to be valid.

Such as have once taken the usual oaths under a writ of *Dedimus Potestatem*, are exempted from suing out another writ for administering again the said oaths to them as justices;

but upon every new commission a roll, with the oaths annexed, is to be prepared, which all justices, as they qualify themselves, are to subscribe;

and the said rolls are to be preserved amongst the records of the sessions.

CAP. XIV.

An act to extend the provisions relating to the holding of courts-martial, and to the punishment of offences committed in the East Indies, contained in the act made in the twenty seventh year of his late Majesty's reign, intituled, An act for punishing mutiny and desertion of officers and soldiers in the service of the united company of merchants of England trading to the East Indies, and for the punishment of offences committed in the East Indies, or at the island of Saint Helena, to the said company's settlement of Fort Marlborough, and to such other principal settlements, wherein the said company may be hereafter empowered to hold courts of judicature.

Preamble, rec-
iting the act
27 Geo. 2.

WHEREAS by an act of parliament passed in the twenty seventh year of the reign of his late majesty King George the Second, intituled, An act for punishing mutiny and desertion of officers and soldiers in the service of the united company of merchants of England trading to the East Indies, and for the punishment of offences committed in the East Indies, or at the island of Saint Helena, it was, amongst other things, enacted, That his Majesty might grant a commission or warrant, under his royal sign manual unto the court of directors of the said united company, who, by virtue of such commission or warrant should have power, under the seal of the said united company, to authorize and empower their president and council for the time being, at their principal settlements respectively, or the major part of them, and their governor and council for the time being, at the said island of Saint Helena, or the major part of them, from time to time, to appoint courts-martial, and to authorize and empower the commander in chief of any detachment of any of the officers or soldiers employed in the said company's service, to appoint courts-martial for the trial of any of the officers or soldiers under their respective commands, in which courts-martial the offences in the said act mentioned should be tried and proceeded against in such manner as by the said act is directed; and it is by the said act provided and enacted, That it should be lawful for his Majesty to form, make, and establish, articles of war for the better government of the said united company's forces, and for bringing offenders against the same to justice, and for other purposes in the said act mentioned: and whereas, after the passing of the said act, and pursuant to the powers therein, his said late Majesty was graciously pleased to grant a commission or warrant, under his royal sign manual, for the purposes in the said act expressed, and also to form, make, and establish, certain rules and articles of war for the better government of the officers and soldiers in the service of the said united company: and whereas his present Majesty hath been lately graciously pleased to grant to the said company his royal charter for erecting and holding, at the said company's settlement of Fort Marlborough, near Bencoolen, on the west coast of the island of Sumatra in the East Indies, courts of ju-
dicature,

ature, as well for civil as criminal causes, and for other purposes in the said charter mentioned and expressed: and whereas it will be greatly to the advantage of the said united company, that their presidents and council for the time being, at their said settlement of Fort Marlborough, and also at any other principal settlement the said company may hereafter be possessed of, and wherein the said company shall be authorized to hold courts of judicature as herein after-mentioned, should be empowered to appoint and hold courts-martial, under the like powers and authorities, and in like manner, as the same may be appointed and held under the said act at the said company's other principal settlements in the said act mentioned; be it therefore enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That his Majesty, his heirs, or successors, may, at any time or times hereafter, grant a commission or warrant, commissions or warrants, under his or their royal sign manual, unto the court of directors of the said united company for the time being, who, by virtue of any such commission or warrant, shall have power, under the seal of the said united company, to authorize and empower their governor and council for the time being, at their said principal settlement of Fort Marlborough, or the major part of them, and their governor and council for the time being, at every or any other principal settlement which the said united company shall, at any time or times hereafter have, or be possessed of, within the limits of trade granted to the said company, and wherein the holding of courts of judicature shall be authorized by any charter or letters patent to be hereafter granted by his Majesty, his heirs, or successors, from time to time, to appoint courts-martial; and to authorize and empower the commander in chief of any detachment of officers or soldiers employed in the said company's service, to appoint courts-martial for the trial of any of the officers or soldiers under their respective commands; in which courts-martial all the crimes and offences mentioned and specified in the said in part recited act, or in the said rules and articles of war already made, or in any other rules and articles of war to be hereafter made, pursuant to the powers given by the said recited act, committed within the said principal settlement of Fort Marlborough, or the districts thereof, or within any such other principal settlement as aforesaid, shall and may be tried and proceeded against; and the sentences or judgments passed upon such offenders, executed in such and the like manner, and with the like powers and authorities, under and subject to such and the like restrictions and regulations, and by the same means, methods, and proceedings, manner, and form, as such or the like offences committed in any of the said company's principal settlements in the said act mentioned, may or can be tried and proceeded against by virtue of the said act and articles of war, or either of them.

His Majesty may authorize the court of directors to empower the governor and council of their principal settlement at Fort Marlborough, or elsewhere, where courts of judicature shall be authorized, to appoint courts martial for trial of offences.

II. And be it further enacted by the authority aforesaid, That Oppressions, if any of the said united company's presidents, or council, at and other ill-
 their legal acts

committed by the presidents or council, may be enquired into and punished by the court of King's Bench, or court of commissioners in England.

their said settlement of *Fort Marlborough*, or at any other principal settlement, wherein the said company may be hereafter impowered to hold courts of judicature, shall be guilty of oppressing any of his Majesty's subjects beyond the seas, within their respective jurisdictions or commands, or shall be guilty of any other crime or offence contrary to the laws of that part of *Great Britain* called *England*, or in force within their respective jurisdictions or commands, such oppression, crimes, and offences, may be enquired of, heard, and determined, in his Majesty's court of *King's Bench*, within that part of *Great Britain* called *England*, or before such commissioners, and in such county of that part of *Great Britain* called *England*, as shall be assigned by his Majesty's commission, and by good and lawful men of the same county; and such punishment shall be inflicted on such offenders as are usually inflicted for offences of the like nature committed in that part of *Great Britain* called *England*.

CAP. XV.

An act to enable his Majesty to grant unto George Keith, late earl marischall, a sum therein limited, out of the principal money and interest now remaining due to the public on account of the purchase money of certain parts of the forfeited estates of the said late earl.

Preamble, reciting act 1 Geo. 1. 1 Geo. 1. and 4 Geo. 1. His Majesty, &c. impowered to grant unto George Keith, late earl marischall, any sum not exceeding 3,618 l. 9 s. and two twelfths of a penny, with interest for the same, from Whit-Sunday, 1721, out of the purchase money and interest due to the public for certain parts of his estate: the same to be settled by the court of Exchequer in Scotland. The money and interest granted to vest in the grantees named in the letters patent; and after payment thereof, the said parts of the estate are discharged from all claim thereon. Beneficial interpretation of this act. Reiviation of rights.

CAP. XVI.

An act to continue the duties for encouragement of the coinage of money.

May it please your most excellent Majesty;

Preamble, reciting the several acts of 18 Car. 2. 25 Car. 2. 1 Jac. 2.

4 W. & M.

12 & 13 W. 3.

WHEREAS by an act made in the eighteenth year of the reign of King Charles the Second, and continued, with some additions, by an act made in the twenty fifth year of his reign, both which acts were revived, and further continued, by an act made in the first year of the reign of King James the Second, and further continued by several subsequent acts made in the fourth year of the reign of King William and Queen Mary, and in the twelfth and thirteenth year of the reign of King William the third, certain rates and duties were imposed on all wines, vinegar, cyder, and beer, and also on all brandy wines and strong waters, imported or brought into the port of London, or into any other ports, creeks, or places, within the kingdom of England, dominion of Wales, or town of Berwick upon Tweed, the said several rates and duties to be applied towards defraying the charge of the coinage of gold and silver monies in the mints of England: and whereas after the union of the two kingdoms

kingdoms of England and Scotland, an act was made in the seventh year of the reign of Queen Anne, whereby the like rates and duties 7 Annæ, were granted and made payable for the like purposes, and for the term therein mentioned, on all wines, vinegar, cyder, beer, brandy wines and strong waters, imported into Great Britain; and the said acts made in the eighteenth and twenty fifth years of the reign of King Charles the Second, and also an act made in the fourth year of 4 Annæ, the reign of Queen Anne, and every clause, article, and sentence, in the said acts, or any of them, contained, were revived, and further continued, with some additional provisions, for the service of the mints in England and Scotland respectively: and whereas by an act made in the first year of the reign of King George the First, the said several rates and duties, and all the said former acts, and all other acts of parliament concerning coinage then being in force, were revived and continued for the further term therein mentioned; and a provision was thereby made for supplying any deficiency of the revenue settled for the encouragement of the coinage: and whereas the said several rates and duties, and all the said acts concerning coinage, were, with a like provision for supplying any deficiency of the said revenue, further continued by several subsequent acts made in the ninth year of the reign of King George the First, and in the fourth year 9 Geo. 1. of the reign of his late majesty King George the Second: and where- 4 Geo. 2. as by an act made in the ninth year of the reign of his said late majesty King George the Second, the said duties on brandy wines and strong waters, were united to the aggregate fund, and still continue part thereof: and whereas by an act made in the twelfth year of the 12 Geo. 2. reign of his said late majesty King George the Second, and also by one other act made in the nineteenth year of the reign of his said late Majesty, such only of the said rates and duties so granted by the said act made in the eighteenth year of the reign of King Charles the Second, as were thereby charged on the importation of wines, vinegar, cyder, and beer, and all the said former acts, and all other acts of parliament concerning coinage, then being in force, and the same provision for supplying any deficiency of the said revenue, were further continued, and, by an act made in the twenty seventh year of the 27 Geo. 2. reign of his said late majesty King George the Second, have continuance for the space of seven years from the first day of March, one thousand seven hundred and fifty four, and until the end of the first session of parliament then next following, and no longer: and whereas great benefit hath arisen from the encouragement of coinage given by the said acts, and it is therefore expedient that an adequate revenue be settled and continued for the like purposes: we, your Majesty's most dutiful and loyal subjects, the commons of Great Britain in parliament assembled, do give and grant unto your Majesty the rates, duties, and impositions, herein after-mentioned, for and during the term herein after-expressed; and do humbly pray, that it may be enacted; and be it enacted by the King's most excellent Majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That such and the like rates, duties, and impositions, as by the said act 2. continued

Coinage duties granted by act 18 Geo. 2. continued

for 7 years,
from 1 March,
1761.

The recited,
and other acts
concerning
coinage, to be
in force, dur-
ing the said
term.

Treasury im-
powered to
issue what
monies shall
be necessary
for defraying
the expences
of the mints
in England
and Scotland,

so as, together
with the coin-
age duties,
not to exceed
15,000*l.* in any
year, &c.

act of the eighteenth year of the reign of King *Charles the Second* were granted, and, by the said subsequent acts, were continued, for and upon the importation of wines, vinegar, cyder, and beer, during the respective terms therein mentioned, shall be further continued, and be paid and payable to his Majesty, his heirs, and successors, for and upon all wines, vinegar, cyder, and beer, which shall be imported or brought into *Great Britain*, within or during the space of seven years, to commence from the first day of *March*, one thousand seven hundred and sixty one, and until the end of the first session of parliament then next following, and no longer; and that all the said former acts, and all other acts of parliament concerning coinage, and every of them, and every clause, article, and sentence in them, or any of them, contained, now being in force, shall be, and are, by virtue of this act, continued, and shall be in force, and be duly put in execution, for and during all such time and term as are before-mentioned, as fully and effectually as if the same were particularly repeated and re-enacted in the body of this present act.

II. *And, to the end the importers of gold and silver into the mints of England and Scotland respectively, may not be discouraged by any deficiency of the revenue by this act settled for defraying the coinage thereof,* be it further enacted by the authority aforesaid, That it shall and may be lawful to and for the commissioners of the treasury, or any three or more of them now being, or the high treasurer, or any three or more of the commissioners of the treasury for the time being, and he or they is or are hereby impowered and directed, out of the monies arising by this act, or out of any other publick supplies granted, or to be granted, by parliament, to cause so much money to be applied as shall be necessary for defraying the expences of the said mints of *England and Scotland* respectively, by way of imprest and upon account for that service, so as the same, together with the coinage duties arising by this act, do not exceed, in any one year, the sum of fifteen thousand pounds, and so as the said monies be issued out of the exchequer of *Great Britain* to the master of the mint in *England*, and to the master of the mint in *Scotland* respectively, for the said purposes.

C A P. XVII.

An act for relief of insolvent debtors.

Preamble. Alphabetical lists to be made out of prisoners in custody for debt on 25 October, 1760, or since then; with the time when charged, and at whose suit: the same to be delivered in to the quarter sessions. The warden of the Fleet, and marshal of the King's Bench prison, to take the appointed oath on delivering in their lists. Other gaolers to take the appointed oath on delivering in their lists. The oaths to be administered by the justices in court, and entered and subscribed at the bottom of each list. List to be kept by the clerk of the peace. Copies of the lists to be delivered in to be fix'd up in the prisons, and on the gates thereof. Persons inserted in the lists being prisoners, without a fraudulent intention, on 25 October, 1760, conforming to the regulations of this act, shall be discharged. Prisoners in custody at the time of passing
this

this act, who were arrested for debt on or before 25 October, 1760, and held to bail, and rendered themselves, &c. on or before 28 Nov. 1760, on conforming to the regulations of this act, shall be discharged. Justices, upon the petition of the prisoner, and his delivering a schedule of his estate, are to issue their warrant for bringing the prisoner to the quarter sessions, &c. with the warrant of detainer and copy of the writ, &c. Gaoler, &c. to obey such warrant. Schedule of the prisoner's estate to be transmitted to the clerk of the peace, for the inspection of the creditors. Prisoners intending to petition for their discharge, are to give previous notice thereof thrice in the Gazette, and other news papers. Contents of the notice, 2d. Each time, and no more, to be paid for inserting such notices. First notice to be inserted 30 days, and the last 10 days before the quarter sessions, &c. Prisoner being brought into court, due publication of the notices required being proved, &c. is to deliver in a schedule of his estate, debts, and creditors. Prisoner's oath on delivering in the said schedule. Schedule and oath to be subscribed in the court; and lodged with the clerk of the peace, for the examination of the creditors. Court, if required by the creditor, may administer an oath to the gaoler, or any other person, touching any of the matters prescribed to be sworn to. The prisoner's oath not being disproved, the court is to discharge him; upon paying a fee of 1s. to the gaoler. Gaoler indemnified for the escape. Estate and effects of the prisoner, upon his discharge, to vest in the clerk of the peace, who is to make over the same to the assignees named by the court, for which he is to be paid 2s. and no more. Assignees empowered to sue, and execute any trust or power in the prisoner's behalf; and give discharges. They are to get in, with all speed, the estate and effects of the prisoner, and make sale, within two months, of prisoner's real estate, in manner agreed upon at a meeting of the creditors summoned for that purpose; and make a dividend within three months; first making up their accounts, and verifying the same upon oath. Thirty days notice to be given of making any dividends, and none to receive any share thereof but such as shall prove their debts. Debts entered, to be examined into and determined by the court. Surplus of the prisoner's estate, after satisfying all claims thereon, to go to the prisoner. No suit in equity to be commenced, but by consent of the majority in value of the creditors. Clerk of the peace to exhibit to the creditor, or his attorney, upon payment of 1s. the schedule of the prisoner's estate and effects. Attested copy thereof to be granted; which shall be evidence in all courts. Clerk of the peace refusing to produce such schedule, or to deliver a copy thereof, or taking exorbitant fees for the same, forfeits 20l. and treble costs; one moiety to the prosecutor, and the other to the poor of the parish. Assignees of copyhold and customary estates to compound with the lord of the manor, and to be admitted tenants thereupon. The prisoner's, &c. right and interest only to be affected by this act. Effects on the premises, where rent is due, are to be transferred to the landlord, and not made over to the assignees; unless they shall agree to satisfy the landlord. Act 8 Annæ. All mortgages, statutes, recognizances, and judgements, are to take place, preferable to claims of an inferior nature. Power in the prisoner of leasing lands, &c. to vest in the assignees. The acting gaoler at the time of delivering the lists, only liable to be sworn. Court, if required by a creditor, opposing the prisoner's discharge, is to administer the appointed oath to the gaoler. The oath. If such person shall not have been the gaoler on 25 Oct. 1760, &c. then the appointed oath is to be administered to him. The oath. Court, if required by a creditor, may summon the person who acted as gaoler on 25 Oct. 1760, or since, and examine him touching the commitment and continuance in custody of the prisoner. Gaoler disobeying the warrant, or order of the court, &c. forfeits 100l. with treble costs. Debtors who were beyond the seas on 25 Oct. 1760, surrendering themselves, may take the benefit of this act, upon the same terms as other prisoners; excepting such particulars wherein the cases of both differ. Fugitive's oath. Gaoler and printer of the Gazette, or other news paper, not complying with the regulations in this act, forfeit 100l. to the prisoners with treble costs of suit. Gaoler, convicted of perjury, forfeits

forfeits 500*l.* with full costs of suit, &c. One moiety to go to the informer, and the other towards satisfying the debts of the creditors. Clerk of the peace refusing the prisoner a copy of his discharge, or taking exorbitant fees for the same, or for assigning over the prisoner's estate and effects, forfeits 20*l.* to the prisoner. Prisoner convicted of perjury to suffer as a felon. Persons discharged by this act, not liable to arrest for debts, &c. contracted before 25 Oct. 1760. Justices, sheriffs, and gaolers may plead this act to any action of escape, or suit brought against them, and recover treble costs. Persons discharged may plead generally, &c. to all actions or judgements brought against them before 25 Oct. 1760, &c. and in other suits, may plead in discharge of their persons from execution. Plaintiff may reply generally, &c. but if nonsuited, is to pay treble costs. Bankrupts not obtaining their certificates in due time, excluded from the benefit of this act. Attornies embezzling, &c. clients money or effects, excluded the benefit of this act. Gaoler to permit the speaking in private to prisoners, whose names are intred in the list, or Gazette, &c. and the examining the original books of entries, &c. on penalty of 40*l.* with costs of suit. Prisoner's future estate and effects, notwithstanding his personal discharge, liable to creditors. Wearing apparel, bedding, and working tools, &c. not exceeding 20*l.* value, excepted. Creditor may sue for the recovery of debt due at the time of the prisoner's discharge, but not hold the prisoner to special bail, nor take his person, wearing apparel, bedding, or tools, in judgement; and no advantage is to be taken of the cause of action not accruing within three years, nor of the statute of limitation. Exception. Discharge of prisoner no acquittal to the copartner or sureties. Gaoler making false entries in the prison book or lists, forfeits 500*l.* with treble costs, over and above all other penalties for such fraud. Prisoner refusing to declare the abode, &c. of the person at whose suit he is detained, or to come to the creditor in the lodge, is excluded the benefit of this act. Justices for Com' York and Lincoln, to meet at the county gaols, &c. for discharge of prisoners. Those who are prisoners for their fees, or other demands of the gaoler or officer, to be discharged. Debtors to the crown, and prisoners who owe above 1000*l.* to one person, unless the creditors consent, are excluded the benefit of this act. Creditor opposing prisoner's discharge, to allow him 3*s.* 6*d.* per week. On nonpayment prisoner to be discharged. Discharges to be obtained by 31 March, 1763. Persons seized of an estate tail, claiming the benefit of this act, are to deliver up the same to the creditors. Assignees may apply for further examination of prisoner, touching the discovery of his effects, &c. and justices may send for and examine the prisoner accordingly. Prisoner refusing to appear, or to answer upon oath, may be committed. 20*l.* per cent. allowed on discovering within twelve months, any part of the prisoner's estate, not returned in the schedule. Discharge obtained fraudulently, void. Creditor may compel any prisoner, charged in execution, to appear at the quarter sessions, with the copy of his detainer, and deliver in a schedule of his estate. Prisoner subscribing the schedule, and making a discovery of his estate, is to be discharged. On his refusal so to do, or concealing to the amount of 20*l.* &c. he is to suffer as a felon. Where prisoner is to be compelled, notice is to be given in the Gazette, &c. that other creditors may come in. After assignees shall be chosen, the estate and effects of the prisoner are to be sold with all speed, and distribution made among the creditors. Disputes touching any debt to be determined by the court; and surplus monies to be paid over to the prisoner. Oath to be made by prisoner compelled to deliver up his estate and effects; he is liable also to undergo further examination for discovery of his effects on the application of the assignees, and on refusal may be committed. Persons concealing any estate or effects of the prisoner forfeit 100*l.* and double value, with treble costs of suit. Assignees, with consent of the majority in value of the creditors, may compound for debts due to the prisoner's estate; and may submit any dispute relating thereto to arbitration, or otherwise may settle and agree the same as they shall thing fit. Assignees may be petitioned against, for insufficiency, fraud, mismanage-
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ment, or other misbehaviour; the court thereupon is to summon the parties, and make such orders therein as they shall think fit. Where mutual credit has been given, the balance to be stated and allowed. Those who are prisoners upon process out of courts of conscience to have the benefit of this act. Quaker's affirmation to be taken in lieu of an oath. Persons who took the benefit of the act 28 Geo. 2. excluded. Mariners, and those who have been in the sea or land service, are, upon their discharge, if under 50 years of age, and approved of, to serve during the present war; and if they desert, &c. they are liable to arrest and imprisonment, at suit of their creditors. This act not to extend to Scotland.

CAP. XVIII.

An act for granting to his Majesty a certain sum of money out of the sinking fund, and for applying certain monies remaining in the exchequer, for the service of the year one thousand seven hundred and sixty one.

Preamble. 1,762,400*l.* out of the sinking fund, and 88,667*l.* 10*s.* remaining in the exchequer, part of 90,000*l.* granted to his late Majesty on account of the militia; granted to his present Majesty, for the service of the year 1761. Clause of loan. Tallies of loan to be struck, &c. Orders registered and paid in course. No fee for registering, &c. Penalty for undue preference. No undue preference, where tallies are dated or brought the same day, nor if subsequent orders be paid before such as were not demanded in course. Orders assignable. Commissioners of the treasury empowered to prepare any number of new exchequer bills, containing one common sum, or different sums, in the principal monies. Clauses in the land tax act relating to exchequer bills, extended to this. Bills discharged to be cancelled. The bank empowered to advance on the said credit of loan, any sum or sums not exceeding 1,762,400*l.* the act of 5 and 6 W. & M. notwithstanding.

CAP. XIX.

An act for enabling his Majesty to raise the sum of one million for the uses and purposes therein mentioned; and for further appropriating the supplies granted in this session of parliament; and for exempting any annuities or sums of money granted or to be granted to the royal family, from payment of taxes.

Preamble. Credit of loan granted to his Majesty for 1,000,000*l.* Treasury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans or exchequer bills thereby to be made out. The clauses, &c. in the said act relating to the loans or exchequer bills, extended to the loans and exchequer bills to be made forth in pursuance of this act; principal and interest, with the charges attending, to be paid out of the next supplies, and if none sufficient be granted before 5 July, 1761, then they are to be paid out of the sinking fund; and the monies so issued to be replaced out of the first supplies. The bank empowered to advance on the said credit of loan, any sum or sums not exceeding 1,000,000*l.* the act of 5 & 6 W. & M. notwithstanding. Appropriation of the supplies in general. The monies arising by the land tax, malt act, lottery act, and sinking fund, with the sum of 88,657*l.* 10*s.* remaining in the exchequer, of the money granted in the year 1759, towards pay and cloathing for the militia, &c. and the further sum of 1,000,000*l.* granted by this act. Viz. Out of the aids in general, 3,598,624*l.* 7*s.* 10*d.* towards naval services herein specified. 7,130*l.* towards finishing the hospital at Hasler near Gosport. 10,000*l.* towards finishing the hospital near Plymouth. 479,035*l.* 19*s.* 2*d.* for charge of transport service. 728,716*l.* 13*s.* 11*d.* for charge of the office of ordnance for land service. 8415,293*l.* 1*s.* 4*d.* 2*q.* towards the land forces in general; of which, 1,576,985*l.* 10*s.* 7*d.* for charge of 64,971 effective men, including those in Germany, &c. 843,756*l.* 12*s.* 9*d.* for guards and garrisons, &c. in the plantations, Gibraltar, &c. 22,179*l.* for charge of three regiments of foot on the Irish establishment serving in North America.

72,896l. 14s. 2d. for pay of the general and general staff officers, and officers of the hospitals for the land forces. 140,358l. 19s. 4d. for charge of the embodied militia in South Britain; and the fencible men of Argyle-shire; and a battalion of highlanders in North Britain; with the additional sum of 298,668l. 9s. 10d. for the said purposes, to 24 Dec. 1761. 56,568l. 15s. 2d. upon account, for cloathing the embodied militia for 1761. 22,361l. 11s. 8d. for charge of the difference between the pay of Anstruther's regiment on the British establishment, and the sum paid by Ireland; and of augmentations to the forces since the estimates for 1761 were delivered in. 70,000l. upon account, for pay and cloathing of the militia when unembodied for 1 year, from 25 March, 1761. 34,854l. 9s. 2d. to the reduced officers of the land forces and marines. 2,973l. 19s. 2d. allowances to the officers and private gentlemen of the two troops of horse guards, and regiment of horse reduced, and superannuated gentlemen of the four troops of horse guards, 1,921l. for pensions to the widows of officers, who died on half pay. 18,360l. 2s. 11d. for out pensioners of Chelsea hospital. 463,874l. 19s. 4d. 1q. for charge of the troops of Hanover, Wolfenbüttele, Saxe Gotha, and count Buckeburgg, to 24 Dec. 1761; to be issued 1 month in advance: the troops to be mustered by an English commissary. 268,360l. 8s. 8d. for charge of the troops of Hesse Cassel, to 24 Dec. 1761, together with the subsidy for the said time. 147,071l. 5s. 2d. for charge of an additional corps of troops of Hesse Cassel, to 31 Dec. 1761. 57,798l. 16s. for charge of the troops of the duke of Brunswick, to 24 Dec. 1761, together with the subsidy for the said time. 2,569l. 10s. to make good the deficiency of the sum voted the last session for the said troops. 25,504l. 6s. 8d. for charges of 5 battalions serving with his Majesty's army in Germany, to 24 Dec. 1761. 1,167,903l. 12s. 6d. for extraordinary expences of land forces, and other services incurred in 1760, not provided for by parliament. 1,000,000l. towards the charge of forage, bread, and other contingencies, for the army under Prince Ferdinand 993,844l. 4s. 4d. 3q. for extraordinary expences of the land forces, and other services incurred in 1760, not provided for. 336,479l. 14s. 1d. 2q. for extraordinary expences of bread, forage, &c. furnished by the chancery of Hanover in 1757 8, to the Hessian and Prussian forces in Germany, not provided for. 670,000l. to the King of Prussia, pursuant to treaty. 120,000l. to the landgrave of Hesse Cassel, pursuant to treaty. 1,000,000l. to discharge the like sum borrowed, pursuant to a vote of credit of the last session. 1,000,000l. upon account, to defray any extraordinary expences of the war which may be incurred in 1761. 1,500,000l. to discharge the exchequer bills issued, by an act of the last session, towards paying off the navy debt. 10,595l. 12s. 9d. for supplies of the colony of Nova Scotia for 1761. 4,057l. 10s. for charge of the civil establishment of Georgia, to 24 June, 1761. 200,000l. as a compensation to the provinces in North America, for expences incurred in levying, &c. troops there. 20,000l. to the East India company, towards defraying their military expences. 15,000l. towards repairing London Bridge. 44,197l. 10s. to the foundling hospital, for maintaining the children admitted on or before 25 March, 1760, the same to be issued without fee. 13,000l. for supporting the British forts in Africa. 49,424l. to replace to the sinking fund the like sum paid thereout for deficiency of the malt tax for 1760. 72,011l. 6s. 11d. to replace to the sinking fund the like sum paid thereout for deficiency of the duties on offices, pensions, and houses, &c. for 1760. 5,969l. 12s. 9d. 2q. to replace to the sinking fund the like sum paid thereout for deficiency of the subsidy of poundage on goods imported. 89,510l. 12s. 11d. to make good the deficiency of the grants for 1760. 38,553l. 12s. 1d. 3q. for discharging the claims on the Lovat estate. These aids to be applied to no other uses. Rules to be observed in the application of the half pay. Clause in act 33 Geo. 2. Application of the savings of the said sum of 35,651l. 9s. granted the last session towards half pay. The sum of 38,553l. 12s. 1d. 3q. appropriated for discharging the claims on the Lovat estate to be paid into the banks of Scotland. The creditors thereupon to produce to the court of exchequer in Scotland, the decrees of the court sustaining their said claims, by 5 July, 1761. Court to make out debentures for the principal and interest; to be paid at sight, without deduction or fee, at the banks. The de-

decrees not being produced by the said day, the claims are not intitled to carry further interest. Barons of the exchequer to ascertain the officers fees; the same to be paid by the banks. Officers not to demand or take any fee of the creditors, on forfeiture of 100l. with full costs of suit. Surplus of the money appropriated for discharging the said claims to be reserved for the future disposition of parliament. All annuities, &c. granted by his Majesty to any of the royal family to be tax free.

C A P. XX.

An act for enabling his Majesty to raise a certain sum of money towards, paying off and discharging the debt of the navy; and towards naval services, for the year one thousand seven hundred and sixty one; And for allowing further time for making affidavits of the execution of articles or contracts of clerks to attornies or solicitors, and filing thereof.

Preamble. Credit of loan granted to his Majesty for 1,500,000l. Treasury may raise the same by loans or exchequer bills, in like manner as is prescribed by the land tax act of this session, concerning loans or exchequer bills thereby to be made out. The clauses, &c. in the said act relating to the loans or exchequer bills, extended to the loans or exchequer bills to be made forth in pursuance of this act. Exchequer bills, after being issued and applied, not to be received or exchanged by any collectors, &c. of the publick revenues, before 16 March, 1762. No action to lie for such refusal. Principal and interest, with the charges attending, to be paid out of the next supplies; and if none sufficient be granted before 5 July 1762, then they are to be paid out of the sinking fund; and the monies so issued are to be replaced out of the first supplies. The bank empowered to advance on the said credit of loan, any sum or sums not exceeding 1,500,000l. the act of 5 & 6 W. & M. notwithstanding. Application of the said sum; viz. 1,000,000l. towards paying off the debt of the navy, and 500,000 l. towards naval services for the year 1761. Further time allowed to 6 Nov. 1761, for making and filing affidavits of the execution of articles, &c. of clerks to attornies or solicitors.

C A P. XXI.

An act for the better preservation of the game in that part of Great Britain called Scotland; and for repealing part of an act passed in the twenty fourth year of the reign of his late Majesty, for the better preservation of the game in that part of Great Britain called Scotland.

FOR the better preservation of the game in that part of Great Britain called Scotland, may it please your most excellent

Majesty, that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That no person in Scotland shall, upon any pretence whatsoever, take, kill, destroy, carry, sell, buy, have in his or her possession or use, any moor fowl or tarmagan between the tenth day of November, and the twenty fifth day of July, in any year; nor any partridge between the first day of February, and the first day of September, in any year; nor any pheasant between the first day of February, and the first day of October, in any year; nor any heath fowl commonly called Black Game, between the first day of December, and the twenty fifth day of August, in any year.

tween 1 Feb. and 1 Oct. black game between 1 Dec. and 15 Aug. in any year.

Game may not be taken with- in the times here mention- ed, viz. Moor fowl, or tar- magan be- tween 10 Nov. and 25 July; partridge be- tween 1 Feb. and 1 Sept. pheasant be-

II. And

II. And be it further enacted by the authority aforesaid, That on penalty of every person transgressing this act in any of the aforesaid cases, shall, for every bird so taken, killed, destroyed, carried, sold, bought, found in their possession, or used, forfeit and pay the sum of five pounds sterling; and in case of insolvency, the party offending shall suffer imprisonment for the space of two months.

III. And be it further enacted by the authority aforesaid, That all offences against this act shall and may be enquired into and determined either by the oath or oaths of one or more credible witnesses or witnesses, or by the confession or oaths of the parties accused, before any two or more of his Majesty's justices of the peace, or before the sheriff depute of the county where the offence shall be committed, or where the offender shall be found; and that all prosecutions for offences against this act, shall be carried on, either at the instance of the fiscal of court, or of any other person who will inform or complain.

IV. And be it further enacted by the authority aforesaid, That one moiety of the forfeitures to be incurred for any offence against this act, shall, when recovered, be paid to the informer or prosecutor, and the other moiety shall be applied to the use of the poor of the parish or place where the offence shall be committed.

V. Provided always, That any person aggrieved by the judgment of any justices of the peace, or sheriff depute as aforesaid, may have liberty to appeal to the next general or quarter sessions, in case such judgement was given by any justices of the peace as aforesaid, or to the lords of judiciary in their next circuit court, or (where there are no circuit courts) to the court of judiciary at Edinburgh, in case the judgement complained of was given by the sheriff depute of any county; and that the determination of the said general or quarter sessions, or of the said circuit court, shall be final and conclusive to all parties.

VI. Provided always, That nothing in this act shall extend to any pheasant or partridge, which shall be taken in the seasons allowed by this act, and kept in any mew or breeding place.

VII. And be it further enacted by the authority aforesaid, That from and after the passing of this present act, so much of an act passed in the twenty fourth year of the reign of his late majesty King George the Second, intituled, *An act for the better preservation of the game in that part of Great Britain called Scotland*, as limits the time for killing any moor fowl, partridge, or heath fowl, shall be, and is hereby declared to be repealed.

C A P. XXII.

An act for applying the money granted in this session of parliament towards defraying the charge of the pay of the militia of that part of Great Britain called England when unembodied, and of the cloathing of the part of the said militia now unembodied, for one year, beginning the twenty fifth day of March, one thousand seven hundred and sixty one.

Preamble. Where pay has not yet been issued, the lieutenant, or deputy lieutenant of the county, after having certified to the treasury the actual in-

or 2 months imprisonment.

Offences how to be enquired into and determined.

Application of the forfeiture.

Persons aggrieved may appeal to the quarter sessions, or lords of judiciary.

Act not to extend to pheasants or partridges kept in mews, &c.
Clause in act 24 Geo. 2. repealed,

inrollment of the proportion of men and officers required to be inrolled, before pay, arms, or cloathing, are issuable, are to certify the same also to the receiver general of the land tax; and also the return of any of the troops that have been embodied and called out, which shall be disembodied and returned home. Receivers general are to make issues of 4 months pay in advance, from the date of such certificates, according to the establishment of pay here set down. With half a year's salary to the regimental and battalion clerks, and the allowances to the clerk of the general meeting; and clerks of the subdivision meetings; and also pay, for cloathing. Where certificates, as aforesaid, have been received, the receivers general are to make the usual issues, without any new certificate for that purpose. The money to be paid to the clerk of the regiment or battalion; and for independent companies, to the respective captains, or to their order. A second payment to be also made within 3 months after the first; and a third within three months after the second. Receipts of the persons to whom the money shall be paid, discharge the receivers general. The clerks are to pay 1 month in advance to the adjutant, and 14 days to the serjeant major and drum-major; and 2 months pay in advance to the captains, for their respective companies; who are to distribute the same as it becomes due; and account for the same yearly to the clerk, and pay back the surplus monies; and also the balance of the money allowed for contingent expences; which is to be applied to the general use of the regiment. Captains of independent companies to distribute the pay to their men, and apply the money allowed for contingent expences. Clerk to retain in his hands money for his own salary; and discharge the cloathing bills. During the time the troops are embodied, and called out into actual service, all pay from the receiver general is to cease. The clerk of the general meetings is to be paid his allowance, upon producing an order from the lieutenant, &c. and the clerks of the subdivision meetings, upon producing a like order from the deputy lieutenants. Orders to discharge the receivers general. Regimental and battalion clerks to give security for paying and accounting for the monies received by them; the bonds to be lodged with the receivers general, and put in suit by them, &c. on nonperformance of the conditions; and they are intitled thereupon to full costs and charges, and 5l. per cent. of the money recovered; the residue to be accounted for to the auditor. The regimental and battalion clerks, and captains of independent companies, are to deliver in accounts of their receipts and disbursements, and pay over the balance to the receivers general; who are to transmit the accounts into the auditor's office. Lieutenants neglecting to take proper security of the clerks, or to deposit the bonds with the receivers general, are answerable for any loss of monies sustained by their default. Recovery of pecunies, &c. No fee to be paid for issuing warrants for money.

CAP. XXIII.

An act for rendering more effectual the provisions in an act made in the twelfth and thirteenth years of the reign of his late majesty King William the Third (intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject) relating to the commissions and salaries of judges.

WHEREAS by an act passed in the twelfth and thirteenth years of the reign of his late majesty King William the Third, intituled, An act for the further limitation of the crown, and better securing the rights and liberties of the subject; it was enacted, That after the limitation of the crown thereby made should take effect, judges commissions be made quamdiu se bene gesserint, and their salaries ascertained and established; but upon the address of

Preamble, reciting act 12 and 13 Will. 3.

both houses of parliament, it might be lawful to remove them: and whereas your Majesty has been graciously pleased to declare from the throne to both houses of parliament, that you look upon the independency and uprightness of judges, as essential to the impartial administration of justice, as one of the best securities to the rights and liberties of your loving subjects, and as most conducive to the honour of your crown; and in consequence thereof, your Majesty has recommended it to the consideration of your parliament, to make further provision for continuing judges in the enjoyment of their offices during their good behaviour, notwithstanding the demise of your Majesty, or any of your heirs and successors; and your Majesty has also desired your faithful commons, that you may be enabled to secure the salaries of judges, during the continuance of their commissions: and whereas in return for this paternal goodness, and in the justest sense of your tender concern for the religion, laws, and liberties, of your people, we have taken this important work into our consideration, and have resolved to enable your Majesty to effectuate the wise, just, and generous purposes of your royal heart: may it therefore please your Majesty that it may be enacted; and be it enacted by the King's most excellent majesty, by and with the advice and consent of the lords spiritual and temporal, and commons, in this present parliament assembled, and by the authority of the same, That the commissions of judges for the time being, shall be, continue and remain, in full force, during their good behaviour, notwithstanding the demise of his Majesty (whom God long preserve) or of any of his heirs and successors; any law, usage, or practice, to the contrary thereof in any wise notwithstanding.

Judges continued in the enjoyment of their offices during their good behaviour, notwithstanding any demise of the crown;

but they may be removed by the crown, upon address of parliament

Their salaries; secured during the continuance of their commissions,

and to be paid, after any demise of the crown, out of such of the revenues granted for the uses of the civil government as shall be subsisting after such demise, until further provision be made by parliament, &c.

II. Provided always, and be it enacted by the authority aforesaid, That it may be lawful for his Majesty, his heirs, and successors, to remove any judge or judges upon the address of both houses of parliament.

III. And be it enacted by the authority aforesaid, That such salaries as are settled upon judges for the time being, or any of them, by act of parliament, and also such salaries as have been or shall be granted by his Majesty, his heirs, and successors, to any judge or judges, shall, in all time coming, be paid and payable to every such judge and judges for the time being, so long as the patents or commissions of them, or any of them respectively, shall continue and remain in force.

IV. And be it further enacted by the authority aforesaid, That such salaries of judges as are now or shall become payable out of the annual rent or sum granted for the support of his Majesty's household, and of the honour and dignity of the crown, shall, from time to time, after the demise of his Majesty, or any of his heirs and successors, be charged upon, and paid and payable out of, such of the duties or revenues granted for the uses of the civil government of his Majesty, his heirs, and successors, as shall be subsisting every after such demise respectively, until some further or other provision be made by parliament for the expences of the civil government; and from and immediately

ate-

ately after the making of such provision, and during the continuance thereof, such salaries shall be paid and payable out of all or any of the monies which shall be applicable to such uses and expences as aforesaid.

CAP. XXIV. •

An act for repairing and widening several roads leading to and through the towns of Weymouth and Melcombe Regis, and Dorchester, in the county of Dorset.

CAP. XXV.

An act for repairing and widening the road from the east end of West Taphouse Lane, to the borough of Liskeard, and from thence to Coomb Row House; and also the road from the said borough of Liskeard, to Crafhole, and from thence to Crimble Passage and Tar Point, and from Crafhole aforesaid, to Saint German's Beacon, in the counties of Cornwall and Devon.

CAP. XXVI.

An act for making, widening, and repairing, a road from the north east side of the Goswell Street road, next Islington, in the county of Middlesex, and near to the road called the New road, over the fields and grounds to Old Street road, opposite to the Doghouse bar; and at and from the Doghouse bar, to the end of Chiswell Street, by the Artillery Ground.

CAP. XXVII.

An act for repairing and widening the road leading from the eastern end of the borough of Grampound, in the county of Cornwall, through the towns of Saint Austel and Lostwithiel, and from thence to the east end of the Western Taphouse Lane, in the said county.

CAP. XXVIII.

An act for enlightening the streets within the city of Exeter, and suburbs thereof.

CAP. XXIX.

An act for repairing and widening the roads from Dyed Way, to Somerton; and from Gawbridge, to Tintinhull Fords; and from a stream of water called Ford, to Cartgate, in Martock, in the county of Somerset.

CAP. XXX.

An act for continuing and amending an act made in the sixteenth year of his late Majesty's reign, for repairing the highways from the city of Gloucester, to the top of Birdlip Hill: and from the foot of the said hill, to the top of Crickley Hill.

CAP. XXXI.

An act to explain and amend so much of an act passed in the thirty second year of the reign of his late Majesty, intituled, *An act to explain, amend, and render more effectual, the powers granted by several acts of parliament for repairing several roads leading to the city of Bath; and for amending several other roads near the said city*; as directs the laying out a new road from the Bridge at Bath to Ruth Hill.

CAP. XXXII.

An act for amending and widening the road leading from the town of Falmouth, in the county of Cornwall, through the towns of Penryn, Helston, and Marazion, and from thence to and over Marazion river and bridge, and two hundred feet to the westward of the said river and bridge.

CAP. XXXIII.

An act to amend and render more effectual an act passed in the thirty first year of the reign of his late majesty King George the Second, intituled, *An act for repairing the road from Leeds, to Sheffield, in the county of York.*

CAP. XXXIV.

An act for repairing and widening the road from Traveller's Rest, in the parish of Ashburton, to Newton Bushel, and from thence to Forches otherwise Forgers Cross, in the parish of Highweek, in the county of Devon.

CAP. XXXV.

An act for amending the road from Sacred Gate, in the parish of Thorn-gumbald, to Pattrington Creek, or Haven; and from the Guide Post in Winestead, to Frodingham Gate, in or near Widow Branton's farm, in the county of York; and for scouring and cleaning the said creek or haven.

CAP. XXXVI.

An act for discontinuing the use of a road, in the parish of Great Packington, in the county of Warwick; and for preventing the trustees, appointed to put in execution an act passed in the thirty third year of his late Majesty's reign, for repairing the road from Stone Bridge to Castle Bromwich, from erecting a gate or turnpike between Stone Bridge and the place where the road turns off to Colehill in the county of Warwick.

CAP. XXXVII.

An act for amending, widening, and keeping in repair, the road leading from Fisherton Bridge, to the turnpike road at Willoughby Hedge in West Knoyle, and from Wilton Bridge to the turnpike road at the west end of Heytersbury; and also the road from the turnpike road at the top of Red Hone Hill, in the parish of Urthfont, to the mile stone at the western end of Fisherton street, in the county of Wilts.

CAP. XXXVIII.

An act for repairing the parish church of Croydon, in the county of Surrey.

CAP. XXXIX.

An act for amending and widening the road from the town of Stone to Wordsley Green Gate; and from the west end of Billton Street in Wolverhampton, to the High Street opposite the Old Bush in Dudley; and from a place called Burnt Tree, near Dudley, to Birmingham; and from the market cross in Wolverhampton, to Cannock, in the counties of Stafford, Worcester, and Warwick.

CAP. XL.

An act for rendering more effectual several acts passed in the tenth year of her late majesty Queen Anne, in the eleventh year of his late majesty King George the First, and in the eleventh year of his late majesty King George the Second, for enlarging, amending, and maintaining, the road from Dartford to Northfleet and Gravesend, and from Gravelend to Chalk, and from Northfleet to Chalk, and from thence to the stones end near the parish church of Strood, in the county of Kent.

CAP. XLI.

An act for amending and widening the roads from the turnpike road upon Gatherley Moor, in the county of York, to Staindrop, in the county of Durham; and from the said turnpike road, near Smallways,
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across the river Tees, to Winstan, in the said county of Durham; and for building a bridge over the said river, at or near Winstan Ford.

C A P. XLII.

An act for repairing and amending the road leading from Whitecross, in the parish of Leven and Holderness, in the east riding of the county of York, to the town of Beverley, in the said county.

C A P. XLIII.

An act for repairing and widening the road from the borough of Appleby, in the county of Westmorland, through the township of Orton, to Kirby Kendal; and from Orton, to the turnpike road near Shap, and from Highgate near Tebay, in a part of the highway between Appleby and Kirby Kendal, through the town of Kirby Steven, to the town of Market-brough, in the said county.

C A P. XLIV.

An act for continuing so much of an act passed in the thirteenth year of King George the Second, intituled, *An act for making more effectual towns acts of parliament passed in the seventh and tenth years of her late majesty Queen Anne, for preserving and enlarging the harbour of Whitehaven, in the county of Cumberland, and for repairing and amending the high roads leading to the said harbour and town of Whitehaven*, as relates to the preserving and enlarging of the said harbour.

A P P E N D I X.

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Parliamentum de Anno secundo Henrici quinti Pars secunda.

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ITEM fait assavoir q' le Roy de sa c'teine Science & del assent des S^{rs} esp'uelx & temp'elx & des Co'es assemblez en cest p'lement p' pleine auctorite de mesme le p'lement declarast g'n-tast & ordeignast ent' aut's choses q' toutz les Hono's chesteux Hundredes Com'otes Maneirs t'res tenementz rev'sions Annu-itees rentes Services fees avocsons Possessions & S'ies q'conques sibien deins le roialme d'Englet're come es p'ties de Gales & es aut's lieux dedecinz les S'ees & peuste du Roy queux soient descenduz ou descenderent enheritablement a Roy ap's la mort Dame Marie une des filles & Heirs Humfrey de Bohun nadgairs Count de Hereford Essex & North' & Constable d'Englet're come a fitz & Heir mesme cele Dame Marie ovesq; toutz les droitures lib'tees franchises & francs custumes a mesme cele inheritance app'tenantz ou regardantz soient sev'ez de la Corone d'Englet're & adjointz annedtez uniz & incorperetz au Duchee le dit Roy de Lancastre a mesme le Roy & a ses Heirs come a mesme le Duchie issint adjointz annedtez uniz & incorporetz p' petuelment a demurrerz & q' estoutz les honours Chasteux Hundredes Com'otes Manoirs t'res t'ents & rev'sions suisditz & les aut's choses q'conques a la dite enheritance regardantz & les homes & tenantz a ycell app'tenantz soient auxi entierment enfranchisez & p'autielx Offic's tretez gardez & gov'nez en toutz points come les Possessions a le dite Duchee appartenantz & les homes & tenantz a mesme le Duchee regardantz sont enfranchisez tretez gardez & gov'nez purtoutz jours & ceo solont la forme force & effect de les p'oles contenuz en une cedula mys en ceste p'lement & p' le Roy del assent des S^{rs} avantditz & p' l'auctorite p'dce ovesq; toutz clauses en ycell contenuz pleinement affermez dount le tenure cy ensuit Henricus dei gra' Rex Anglie & Francie & Dominus Hib'nie Om'ib's ad quos p'sentes l're p've-n'int salt'm Sciatis q'd cum Ducatus Lancast' ac q'm plura alia Com' Honores Castra Man'ia Feod' possessiones & D'nia infra Regnum n'rum Angl' & p'tes Wall' ac alibi carissimo d'no & p'ri'n'ro d'no Hen' nup' Regi Angl' defuncto tam p' mortem celebris memorie Henr' nup' Ducis Lancast' p'avi n'ri ac caris-
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fimi d'ni & avi n'ri Joh'is nup' Ducis Lancastr' necnon carissime D'ne & Avie n're D'ne Blanchee nup' ux'is ejus filie & heredis p'd'ci p'avi n'ri jure hereditario anteq'm ad Statum & dignitatem regalem rer' d'ns om' sua ineffabili clemencia ip'um Pre'm n'rum nup'ime evocavit descenderet & acciderint in quib's quidem Ducatu Com' Honorib's Castris Man'ijs Possessionib' & D'nijs div'fa Lib'tates jura regalia consuetudines & franchelie d'cis p' genitorib' & antecessorib' n'ris quedam vid'elt eis & heredib' de corporib' suis exeuntib' et quedam sibi & Heredib' masculis de corporib' suis exeuntib' ac quedam p'fato D'no & Avo n'ro ad t'minu' Vite sue p' div'fas Cartas tam D'ni E nup' Regis Angl' p'avi n'ri q'm D'ni Ric'i nup' Regis Angl' Sc'di post conquestu' fu'ant concessa p'fatulq; Pater n'r nolens d'cam Hereditatem suam aut lib'tates ejusdem occ'one assumpt'ois regalis Status & dignitatis sue in aliquo mutari t'nsferri diminui seu derogari set eandem Hereditatem suam in jurib' & lib'tatib' suis p'd'cis eisdem modo forma condi'coe & Statu quib' sibi descenderant & evenerunt ac eciam cum om'ib' & singulis talib' lib'tatib' suis p'd'cis ac alijs privilegijs com'oditatib' & p'ficiis quibuscunq; quib' p'd'cus D'ns & Avus n'r dum vixit eam ad t'minu' Vite sue ex concessione p'd'ci Ric'i nup' Regis hu'it & tenuit eidem P'rin'ro & d'cis Heredib' suis in Cartis p'd'cis specificatis plenarie & integre conservari continuari & he'ri volu'it ac p' cartam suam ex c'ta sciencia sua de assensu p'liamenti sui Anno Regni sui primo tenti concesserit declarav'it decrev'it & ordinav'it p' se & Heredib' suis tam Ducatus suos Lancastrie q'm univ'fa & singula alia Com' Hon res Castra Man'ia Feoda Advocat'coes possessiones annuitates & D'nia quacunq; sibi ante ademp'coem dignitatis sue regie qualicunq; & ubicunq; jure Hereditario in D'nico S'vicio vel in rev'sione seu alias qualicunq; descensa eidem P'ri n'ro & d'cis Heredib' suis in cartis p'd'cis specificatis in forma p'd'ca remaneant imp'p'm et q'd talit' & tali modo & p' tales Officiar' & Ministros in om'ib' deducant' & gub'nent' & p'tractent' sicut remanere deduci gub'nari & p'tractari deberent si p'd'cus Pater n'r ad Culmen dignitatis regie assumptus minime fuisset ac insup' q'd talia & hujusmodi lib'tates jura regalia consuetudines & franchesie in Ducatu Com' Honorib' Castris Man'ijs feodis ac cet'is possessionib' & D'nijs p'd'cis in om'ib' & p'om'ia imp'p'm he'ant' exe'ceant' continuent' fiant & utant' & p' tales Officiar' & Ministros gub'nent' & exequant' que & qualia & p' quales Officiar' & Ministros tam tempore d'ci D'ni & Avi n'ri q'm temporib' alior' p'genitor' & antecessor' suor' in eisdem Ducatu Com' Honorib' Castris Man'ijs feodis ac alijs possessionib' & D'nijs p'd'cis uti & h'eri ac regi & gub'nari consueverunt virtute cartar' inde cont'car' Volens ult'ius & concedens p'fatus Pater n'r ac p' se & Heredib' suis ex c'ta Sciencia sua & assensu p'd'cis plenarie declarans q'd univ'fi & singuli Tenentes sui de Ducatu Com' Honorib' Castris Man'ijs feodis ac alijs possessionib' & D'nijs p'd'cis & Heredes sui adeo lib'i sint & in om'ib' talis ac adeo lib'e et

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illese condi'cois tam in ingressib' suis in Hereditates suas post Mortem antecessor' suor' q'm in tenuris suis ac alias qualib'cunq; sicut esse potuissent & debuissent de Consuetudine vel de jure si d'ca dignitas regia d'co P'ri n'ro nusq'm accidisset d'ca assump'coe sue dignitatis regie aut eo q'd Ducatus Com' Honores Castra Man'ia feoda Advocaco'es possessiones D'nia & lib'tates p'd'ca in manu ip'ius P'ris n'ri adtunc exiterunt seu aliqua int'rup'coe Cêssac'oe vel discontinuac'oe Lib'tatu' p'd'car' seu aliquib' alijs occ'onib' causis colorib' vel impedimentis quibuscunq; que idem Pater n'r in contrariu' p'd'car' voluntatis concessione & declaraco'is suar' vigore seu eff'c'm aliquem h'ere noluit in aliquo non obstantib' Proviso semp' q'd Tenentes ip'ius P'ris n'ri infra Com' Palatin' Lancastr' Hereditates suas in manu p'd'ci P'ris n'ri & d'cor' Heredum suor' in d'cis Cartis specificator' post mortem antecessor' suor' seu alio modo seiscend' & capiend' extra eandem manu' p'fati P'ris n'ri & d'cor' Heredum suor' in cartis p'd'cis specificator' p' Lib'aco'em in Cancellar' Regalitat' ibidem h'end' p'sequant' ut est moris & fu'it faciend' r'one Regalitat' sup'd'ce & q'd p'rogativa sua quoad Maritagia & p'ficia Maritagior' Heredum alior' Tenentiu' suor' ext' d'c'm Com' Palatin' seiscend' & h'end' locu' h'eat & vigorem p'd'cus Pater n'r volu'it insup' & concesserit p' se & Heredib' suis ex c'ta sciencia sua & assensu p'd'cis q'd univ'rsa & singula Beneficia ecclesiastica ad Hereditatem suam p'd'cam spec'ancia p' se & d'cos Heredes suos in d'cis cartis specificatos continue futuris temporib' conferant' Ita q'd Cancellar' vel The' Angl' p' tempore existen' seu quivis alius Officiarius regius de Collac'oe vel p'tentac'oe seu eciam de visita'coe beneficior' h'mi r'one Officior' suor' seu nullatenus intromittant in futur' Et ult'ius idem Pater n'r volu'it & concesserit p' se & Heredib' suis ex c'ta Sciencia sua & de assensu p'd'cis q'd om'es & singuli Receptores feodarij Firmar' Ballivi Prepositi Officarij ac quicunq; alij Servientes & Ministri p'fati P'ris n'ri & d'cor' Heredum suor' in d'cis Cartis specificator' p'd'cor' Ducatus Com' Honor' Castror' Man'ior' feodo' Possessionu' D'nior' & lib'tatu' de om'ib' & singulis denarijs firmis Redditib' exitib' revenc'oib' & p'ficiis quibuscunq; de eisdem Ducatu Com' Honorib' Castris Man'ijs feodis possessionib' D'nij & lib'tatib' qualib'cunq; p'venientib' coram c'tis specialib' auditorib' Officarijs & Ministris p' ip'm Prem' n'rum & d'coes Heredes suos in cartis p'd'cis specificatos de tempore in tempus ad hoc limitand' & assignand' duntaxat & non coram The' & Baronib' de Sc'cio regio computent & respondeant continue in futur' Ita q'd The' & Barones de Sc'cio p'd'co de aliquib' hm' denarijs firmis redditib' exitib' revenc'oib' aut p'ficiis seu de aliquib' Compolis vel ro'ciuijs inde audiend' h'end' reddend' vel t'minand' in futur' se non intromittant ullo modo ac cum p'fatus p'avus n'r p'cartam suam nup' concesserit p' se & Heredib' suis p'd'cis Avio & Avie n'ris q'd ip'i & Heredis sui de corporib' suis p'creati & om'es ho'mes sui de t'ris & feodis que fu'unt Henr' quondam Comit' Lancastr' P'ris p'fati Henr'

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Henr' nup' Ducis p'avi n'ri Septimo die Maij Anno Regni d'ci D'ni P'avi n'ri sexto decimo imp'p'm sint quieti de Penagio Passagio Picagio lastagio stallagio tallagio cariagio pefagio picagio & t'ragio p'totum Regnu' & potestatem ip'ius D'ni P'avi n'ri Postmodumq; p'fatus Ric'us nup' Rex p' Cartam suam concesserit p'd'co Avo n'ro q'd ip'e ad totam vitam suam h'eret om'es fines p' t'nsgressione & alijs malef'cis quibuscunq; accciam fines p' licencia concordandi & om'imodos alios fines Redemp'oes & am'ciamenta ex quacunq; Causa & p' quamcunq; Causam p'venient nec non Exitus forisf'cos & om'ib' her'ib' & tenentib' de & in t'ris & feodis p'd'ci Avi n'ri & de om'ibi infra eadem t'ras & feoda residentib' q'mq'm iidem ho'ies tenentes seu residentes Ministri ip'ius nup' Regis Ric'i vel Heredum suor' existent Et q'd idem Avus n'r ad totam vitam suam h'eret quascunq; forisf'curas annu' diem vastem & estreppamentum & quicquid ad ip'm nup' Regem Ric'm vel Heredes suos p'tinere posset de Anno die vasto & estreppamento forisf'curis & Murdris infra t'ras & feoda p'd'ca in quibuscunq; Cur' suis & Heredum suor' sive in quacunq; Cur' alt'ius conting'et q'd p'd'ci ho'ies tenentes seu residentes fac'ent fines vel essent am'ciati vel Exitus forisfac'ent seu q'd p'd'ca Annus Dies Vastum & estreppamentum forisf'cura vel Murdrum adjudicata essent tam in p'sencia ip'ius Regis Ric'i & Heredum suor' q'm in absencia sua & Heredum suor' & tam coram ip'o & Heredib' suis & in Cancellar' sua & Heredum suor' ac coram Thes' & Baronib' de Sc'e'io suo & Heredum suor' & coram Justic' suis & Heredum suor' de Co'i Banco necnon coram Senescallo & Marescall' seu Coronatore hospicij sui & Heredum suor' vel Cli'co Mercati' qui p' tempore essent & in alijs Cur' suis & Heredum suor' q'm coram Justic' suis itin'antib' ad co'ia pl'i'ta & ad pl'i'ta foreste Justic' ad Assisa capiend' & gaolas delib'and' ac coram quibuscunq; alijs Justic' & Ministris suis & Heredum suor' tam in p'sencia sua & Heredum suor' q'm in Absencia sua & Heredum suor' adeo plene & integre sicut idem nup' Rex Ric'us ea h'eret si illa p'fato Avo n'ro non concessisset Ita q'd p'd'cus Avus n'r p' manus Ballivor' & alior' ministror' suor' levare p'cip'e & h'ere posset fines redemp'oes & am'ciamenta ip'orum ho'iu' tenenciu' & residenciu' de & in t'ris & feodis p'd'cis exitus forisf'cos & quicquid ad ip'm nup' regem Ric'um vel Heredes suos p'tinere posset de Anno die vasto estreppamento forisf'curis & Murdris de & in t'ris & feodis p'd'cis que coram d'cis Justic' itin'antib' ad Co'ia pl'i'ta & ad pl'i'ta foreste ac coram p'd'cis senescallo & Marescall' Coronatore vel Cli'co Mercati' fieri seu adjudicari conting'it p' extra'as eor'dum Justic' itin'anciu' in itin'ib' suis ac p'd'cor' senescalli Marescall' Coronatoris & Cli'ci in Sessionib' suis Ballivis & Ministris p'd'ci Avi n'ri inde lib'and' Accciam fines redemp'oes & Amerciament' de ho'ib' tenentib' & residentib' p'd'cis ac exitus forisf'cos & om'ia que ad ip'm nup' Regem Ric'm vel Heredes suos p'tinere possent de anno die Vasto & estreppamento forisf'curis & Murdris de & in t'ris & feodis p'd'cis que coram ip'o vel Heredib'

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dib' suis vel in Cancellar' sua & Heredum suor' seu coram Thes' & Baronib' suis de Sc'c'io & Heredum suor' vel coram Justic' ad Affisas capiend' & goas delib'and' aut Justic' & t'nsgressiones & felonias audiend' & t'minand' assign' seu coram alijs Justic' vel Ministris suis quibuscunq; & Heredum suor' fieri vel adjudicari conting'it p' extractas de Sc'c'io suo & Heredum suor' Ballivis & Ministris p'fati Avi n'ri p' Manus Vicecomitum in quor' Ballivis d'ca t're & feoda exist'ent inde lib'and' sine Occ'one vel Impedimento ip'ius nup' Regis Ric'i vel Heredum suor' Justic' Vicecomitu' Escaetor' aut alior' Ministror' suor' et Heredum suor' quor'cunq; Et q'd p'd'c'us Avus n'r ad totam vitam suam p' se & Ministros suos in om'ib' t'ris & feodis p'd'cis tam in p'sencia ip'ius nup' Regis Ric'i & Heredum suor' q'm in absencia sua & Heredum suor' fac'et & h'eret Assaiam & assilam panis vini & c'visie & omnimodor' alior' victualiu' quor'cunq; ac alior' ad Offic' Cl'ici de Mercato suo & Heredum suor' p'tinen' cum pu'nicoe eor'dem quociens & quando expediens foret et necesse Aceciam h'eret & p'cip'et fines Am'ciamenta & redemp'coes ac omnimoda p'ficiua inde p'veniencia Ita q'd Cl'icus Mercati ip'ius nup' Regis Ric'i & Heredum suor' non ingrederet d'ca t'ras vel feoda p' aliquib' ad officiu' suum p'tinentib' faciend' seu exer'cend' Et q'd idem Avus n'r ad totam vitam suam h'eret Cattalla felonu' & fugitivor' tam felonu' de se q'm alior' quor'cunq; ac utlagator' ex quacunq; causa omn' ho'um' & tenenciu' de & in t'ris & feodis p'd'cis necnon omn' residenciu' infra eadem t'ras & feoda q'mq'm iidem ho'ies tenentes aut residentes Ministri ip'ius nup' Regis Ric'i vel Heredum suor' exist'ent Ita q'd si aliquis ho'iu' & tenenciu' de & in t'ris & feodis p'd'cis seu aliquis residenciu' in d'cis t'ris & feodis aut aliquis alius in eisdem t'ris & feodis p' aliquo suo malef'co quocunq; debeat vitam vel Memb'm amitt'e seu fug'et & iudicio stare nollet aut aliquam aliam t'nsgressionem fac'et p' qua ip'e deberet p'dere Cattalla sua in quo loco Justicia de eo fieri deberet sive in Cur' ip'ius nup' Regis Ric'i & Heredum suor' vel in alijs Cur' Cattalla illa essent p'd'ci Avi n'ri Et liceret ei seu Ministris suis pon'e se in seifina d'cor' Cattallor' & eadem Cattalla adopus p'd'ci Avi n'ri retinere sine Occ'one vel Impedimento ip'ius nup' Regis Ric'i vel Hered' suor' Vicecomitu' Escaetor' aut alior' Ballivor' seu Ministror' suor' & Heredum suor' quor'cunq; Et q'd p'fatus Avus n'r ad totam vitam suam h'eret retorna om' br'ium ip'ius nup' Regis Ric'i & Heredum suor' necnon Sumonic'onu' extractar' & p'ceptor' de Sc'c'io suo & Sc'c'io Heredum suor' ac extractar' & p'ceptor' Justic' suor' & Heredum suor' itin'anciu' t'm ad pl'ita foreste q'm ad Co'ia pl'ita aut alior' Justic' quor'cunq; necnon attachiamenta tam de pl'itis Corone q'm alior' in omnib' t'ris & feodis p'd'cis Et q'd p'd'c'us Avus n'r ad totam vitam suam p' se & p' Ballivos & Ministros suos h'eret in eisdem t'ris & feodis execucoe'm eor'dem br'iu' Sum'onicionu' extractar' & p'ceptor' Ita q'd nullus Vicecomes Ballivus seu alius Magister ip'ius nup' Regis Ric'i vel Heredum suor' p'd'ca t'ras &

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& feoda ingrederet^r p^r aliquo Officio vel aliqua re Officiu^r suu^r tangente faciend^r nisi in def^m ip^rius Avi n^ri vel Ministror^r suor^r Ac insup^r idem nup^r Rex Ric^{us} p^r eandem cartam suam concefferit p^r se & d^{cis} Heredib^r suis q^d si Vicecomites vel Ballivi Lib^{tatu} Hund^{ror} seu Wapentachior^r in aliquib^r execu^{coib} p^r p^{dco} Avo n^{ro} p^r B^{ria} seu Mandata sua vel Heredum suor^r seu aliquo alio modo faciend^r negligentes essent vel remissi p^r quod conting^{it} ip^{os} am^{ciari} aut fines facere in Sc^ci^{or} vel in alijs Cur^r suis & Heredum suor^r h^{mi} fines & am^{ciamenta} essent p^rfati avi n^ri & q^d levarent^r ad opus ip^rius Avi n^ri p^r Ministros suos sup^dc^{os} durante Vita sua Et q^d p^dcus Avus n^r ad totam Vitam suam h^{ret} infra om^{ia} p^dca t^{ras} & feoda om^{iota} Cattalla vocat Wayf & stray deodanda Thesaur^r inventum ac alia res vel Cattalla inventa et q^d ip^e p^r se & Ministros suos seifire & cap^e possit ad voluntatem suam ad opus p^dci Avi n^ri Wayfs and Strays deodanda thesaur^r inventum ac alia inventa sup^dca Et q^d p^dcus Avus n^r ad totam Vitam suam h^{eret} quecunq; bona & Catalla Vocata Mannop^a capta vel capienda cu^r quacunq; p^{sona} infra t^{ras} & feoda p^dca ac p^r eandem p^{sonam} coram quocunq; Iudice de advocata subsequen^r q^r Pater n^r ex c^{ta} Sciencia sua de assensu p^rliamenti sui p^r Cartam suam concefferit declarav^{it} & ordinav^{it} p^r se & Heredib^r suis q^d tam in Ducatu suo Lancastrie q^m in univ^{sis} & singulis alijs Com^r Honorib^r Man^{ijs} feodis possessionib^r & Dⁿijs eidem P^{ri} n^{ro} ante adept^{coem} dignitatis sue regie qual^{it}cunq; & ubicunq; jure hereditar^r in D^{nico} Servizio vel rev^{sione} seu alias qual^{it}cunq; descensis talia & h^{mi} lib^{tates} jura regalia consuetudines & franchise in om^{ib} & p^r om^{ia} imp^pm h^{eant} ex^{ceant} continuen^r fiant & utant^r & p^r tales Officiarios & Ministros gub^{nent} & exequant^r que & qualia & p^r quales Officiar^r & Ministros tam tempore d^{ci} Dⁿⁱ & Avi n^ri q^m temporib^r alior^r p^{genitor} & Antecessor suor^r in eisdem Ducatu Com^r Honorib^r Castris Man^{ijs} feodis & alijs possessionib^r & Dⁿijs p^dcis uti & h^{eri} ac regi & gub^{nari} consueverint virtute cartaru^r inde conf^{car} p^{ut} in cartis p^dcis plenius continet^r & res autem concessiones declara^{coes} decretum Ordina^{coem} Voluntates Lib^{tates} consuetudines & Franchefias p^dca ac om^{ia} alia & singula in Cartis p^dcis contenta rata h^{entes} & grata ea p^r nob^r & Heredib^r n^{ris} quantum in nob^r est ex gra^r n^{ra} sp^{iali} ac ex c^{ta} Sciencia n^{ra} ac de assensu D^{nor} Sp^{ualiu} & temporalium necnon com^{unitatis} Regni n^{ri} Angl^r in p^{senti} p^{liamenti} n^{ro} existen^r auctoritate ejusdem p^{liamenti} acceptam^r approbam^r concedim^r & confirmam^r sicut Carte p^dce r^{onabilit} testant^r Volentes ult^{ius} & concedentes p^r nob^r & d^{cis} Heredib^r n^{ris} de assensu & auctoritate p^dcis q^d Lib^{tates} consuetudines & Franchefie p^dce & ear^r singule in om^{ib} & p^r omnia in p^pm h^{eant} ex^{ceant} continuent^r fiant & utantur juxta tenorem cartar^r p^dcar^r sine Occ^{one} vel impedimento n^{ri} vel Heredum n^{ror} Justic^r Escaetor^r Vicecomitum aut alior^r Ballivor^r vel Ministror^r n^{ror} seu Heredum n^{ror} quor^{cunq}; et q^d Sigillum p^r Ducat^r

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Ducatu p'd'co hætenus usitatum ad om'ia & singula que sub sigillo illo ante hec tempora data concessa acta f'c'a s're gesta fuerunt aut qualitercunq; emanarunt locum h'eant & vigorem imp'p'm absque reclama'coe seu cont'd'coe aliquali aut impeti'coe inquieta'coe vel molesta'coe n'ri vel Heredum n'ror' aut Justie' Baronu' de Sc'cio n'ro & Heredum n'ror' vel alior' Officiar' seu Ministror' n'ror' vel Heredum n'ror' Corone quor'cunq; q'dq; h'mi Sigillum ex nunc in Ducatu illo p' Negocijs & agendis ejusdem Ducatus faciendis & exequendis he'at' & ex'ceat' imp'p'm Preterea cum div'fa Honores Castra Hundr'a Comota Man'ia t're ten' rev'siones Annuitates Feoda Advocac'oes ac q'mplura alia possessiones & D'nia infra Regnu' n'r'm Angl' & partes Wall' p'dict' ac alibi infra D'n'm & potestatem n'ra' que fuerunt de Hereditate p'clare Memorie D'ne Marie unius filiar' & Heredum Humfry de Bohun nup' Comitis Hereford Essex & Northt' & Constabularij Angl' Matris n're carissime defuncte cuius Heres nos Sum' post Mortem p'd'ci D'ni & Pri's n'ri qui ea tenuit ad t'minu' vite sue p' legem Angl' nob' & Heredib' n'ris jure Hereditario descenderint & accederint Nos jam ex c'ta Sciencia n'ra & de assensu & auctoritate p'd'cis om'ia & singula Honores Castra Hundr'a Com'ota Man'ia t'ras ten' rev'siones Annuitates feoda Advocac'oes possessiones & d'nia p'd'ca d'ce Hereditatis n're Com' Hereford Essex & Northt' cum suis jurib' lib'tatib' franchesijs & lib'is consuetudinib' quibuscunq; a Corona n'ta Angl' tenore p'sencium separam' & ea p'd'co Ducatui n'ro Lancastrie adjungim' annectim' unim' & incorporam' nob' & Heredib' n'ris eidem Ducatui sic adjuncta annexa unita & incorporata imp'p'm ut p'd'cm est Remantur Aceciam' ut d'ca Hereditas n'ra p'd'cor' Com' Hereford Essex & Northt' magnificencius insigniri & decorari ac univ'fi & singuli ho'ies & tenentes Hereditates illius nec non residentes infra eandem eo quicquid honorificencius & t'nquillius ex nunc deduci gub'nari & p'tractari valeant cet'iq; ligei n'ri corda assumant hilariosa ad t'ras & ten' ejusdem Hereoitatis n're indies conflue & ibidem libencius p'manere quo varijs fu'nt lib'tatib' f'ncchesijs & immunitatibus ex n'ra lib'alitate suffulti ex c'ta Sciencia n'ra ac de assensu & auctoritate p'd'cis Volum' ac tenore p'senciu' concedim' declaram' & ordinam' p' nob' & Heredib' n'ris q'd in univ'fis & singulis honorib' Castris Hundr'is Com'otis Man'ijs t'res ten' feodis d'nijs & alijs possessionib' p'd'ce Hereditatis n're Com' Hereford Essex & Northt' om'ia & singula lib'tates Consuetudines franchesie & jura regalia p'd'ca que nob' & Heredib' n'ris remanere volum' in om'ib' & p' om'ia & p' Officiar' & Ministros n'ros Ducatus Com' Honor' Castror' Man'ior' Hundr'or' Com'otor' t'rar' ten' feodor' d'nior' & aliar' possessionu' p'd'cor' jam constitutos assign' & deputatos ac p' nos & Heredes n'ros de cet'o constituendos assignandos & deputandos ex nunc futur' temporib' adeo plene integre & pacifice h'eant ex'ce'ceant' continuent' fiant & utant' p'd'caq; Honores Castra Hundr'a Comota Man'ia t're ten' feoda d'nia & alie possessiones ejusdem
Here-

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hereditatis n're Com' Hereford Essex & Northt' regant' dedunt' & gub'nent' eisdem modo & forma ac sub Sigillo p'd'e'o aut eadem Honores Castra Hundr'a Com'ota Man'ia t're ten' feoda d'nia & alie possessiones p' hujusmodi Officiar' & Ministros Ducatus p'd'e'i ac sub eodem Sigillo melius & lib'ius regi leduci & gub'nari d'caq; lib'rates consuetudines f'nc'etie & jura egalia in Ducatu p'd'e'o ext' Com' Palatin' Lancastrie h'eri ex'ceri continuari & fieri consueverunt Virtute Cartar' inde conf'car' q'dq' om'ia & Singula d'cam hereditatem n'ram Com' Hereford Essex & Northt' conc'nencia que sub Sigillo p'd'e'o s' nos data concessa acta f'ca Sive gesta fuerunt seu qualicunq; emanarunt locum h'eant & vigorem imp'p'm modo quo sup'ius quoad p'd'e'um Ducatum n'r'm Lancast' plenius est declaratum et q'd om'es & Singuli ho'ies & Tenentes ejusdem hereditatis n're Com' Hereford Essex & Northt' ac residentes infra eandem lib'tatib' f'nc'esijs consuetudinib' & Juribus p'd'e'is & cor' quo't de cet'o plene & integre gaudeant & utant' imp'p'm sine Occ'one vel Impedimento n'ri vel Heredum n'ror' Just'ic' Escaetor' Vicecomitum aut alior' Ballivor' seu Ministror' n'ror' vel Heredum n'ror' quor'cunq; q'dq' univ'isa & singula beneficia eccl'iastica ad d'cam Hereditatem n'ram Com' Hereford Essex & Northt' spectantia p' nos & Heredes n'ros continue futur' temporib' sub Sigillo p'd'e'o conferant' Ita q'd Cancellar' vel Thel' Angl' p' tempore existen' seu quivis alius Officiarius regius de collac'oe vel p'sentac'oe seu eciam de visitac'oe beneficior' h'mi r'one alicujus tituli n'ri aut Officior' suor' se nullatenus intromittant in futur' Volentes insup' & ex c'ta Sciencia n'ra ac de assensu & auctoritate p'd'e'is concedentes & declarantes p' p'sentes p' nob' & Heredib' n'ris q'd om'ia & singula Honores Castra Hundr'a Com'ota Man'ia t're ten' rev'siones Annuitates feoda Advocaco'es ac alia possessiones & d'nia que ad manus p'fati P'ris n'ri aut n'ras post d'ca concessionem declaraco'em decretu & Ordinaco'em ip'ius P'ris n'ri de Assensu p'liamenti sui p'd'e'i sic f'ca ut de Jure Ducatus p'd'e'i Occ'one Escaete foris'cure recup'ac'o'is remanere aut descensus sive alt'ius tituli seu alias qualicunq; devenerunt p'd'e'o Ducatui adjungant' annectent' uniant' & incorporent' nob' & Heredib' n'ris ut p'd'e'm est remansur' Ac eciam q'd quodocunq; & quocienscunq; aliqua alia Honores Castra Hundr'a Com'ota Man'ia t're ten' rev'siones Annuitates feoda Advocaco'es aut alia possessiones & D'nia quercunq; ubicunq; infra D'nium & potestatem n'ra p'd'e'a tan'qm ad d'cas hereditates n'ras vel alt'am ear'dem p'tinencia ad manus n'ras seu Heredum n'ror' r'one juris n'ri aut occ'one h'mi escaete foris'cure recup'ac'o'is remanere aut descensus sive alt'ius tituli seu alias qualicunq; futuris temporib' deven'unt eo ip'o & q'm cicius Honores Castra Hundr'a Com'ota Man'ia t're ten' rev'siones Annuitates feoda advocaco'es ac alia possessiones vel D'nia illa in manib' n'ris vel Heredum suor' sic fu'int uni vel alt'i Hereditatu' n'ar' p'd'ear' ad quam dinoscunt' p'tinere similiter adjungant' uniantur & incorporentur

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parent^r nob' & Heredib' n'ris ut p'mittit^r remanfur' et q'd tam
 ea om'ia & singula q'm alia sup'd'ca que post concessione^m de-
 claraco'em decretum & ordinac'oem ip'ius p'ris n'ri p'd'ca ad
 manus suas five n'ras sic devenerunt seu impos'u^m ut p'd'cm est
 deven'unt p' h'mi' Officiar' & ministros n'ros vel Heredum n'ror'
 modoq; & forma sup'd'cis ac sub Sigillo p'd'ca regant^r &
 gub'nent^r q'dp' lib'tates consuetudines franchise & jura Regalia
 om'ia & singula in eisdem plene & integre exce'ceant^r continu-
 ent^r fiant & utant^r imp'p'm sine occ'one vel impedimento n'ri vel
 Heredum n'ror' Justic' Vicecomitum Escaetor' aut alior' Ballivor'
 seu ministror' n'ror' vel Heredum n'ror' quor'cunq; In cujus rei
 testimoniu' has L'ras n'ras fieri fecim^s patentes T. me ip'o apud
 Westm' xix die Novembr' Anno regni n'ri Sc'do Les queux
 p'oles lieux en pleine p'lement le Roy de lassent & auctorite suis
 d'tes comanda son Chauncellor dent faire faire l'res Patentz de
 soutz sonn g'nde Seal solont la continue de mesme la cedula en
 ov'te tesmoignance & affermance de ses declaracion g'nte & or-
 dinance av'nditz.

Parliamentum de Anno tertio HENRICI quinti pars secunda.

De Ducatu
 Lancastr' &
 ip'ius Senef-
 callis.

FAIT assavoir q' les Co'es Denglt're assemblez en ceste
 p'lement baillerent une Petition en mesme le Parlement en
 le forme qensuit please au Roy n're Sr Sov'ain de lassent des S^{rs}
 espirituelx & temporelx & de les Co'es en cest p'sent Parlement
 assemblez p' auctoritee de mesme la Parlement d'acceptier ap-
 prover ratifier grantier & confermer voz L'res patentes p' vous
 faitz & grantez in v're Parlement tenuz a Westm' lan de v're
 regne Second touchantz les lib'tees Custumes & franchises a u-
 siers avoirs & accustomers deinz voz Heritages de v're Duché de
 Lancastré & des Countees de Hereford Essex & North' & autres
 choses comprises en les dites L'res solont l'effect tenure & p'
 port des mesmes les l'res en due forme adjoustantz & en outre
 p' voz l'res ent Affairs grantantz pour vous & voz Heirs de las-
 sent des ditz S^{rs} & Co'es de mesme cest p'lement & p' autoritee
 dicell p'lement pour v're greinde profit de voz Heritages suifditz
 & pour la meillour gov'nance dicellas & en conservacion & su-
 stentacion de les avant d'ces lib'tees & custumes & franchises les
 clauses & p'oles q' cy ensuyent Volentes insup' de assensu D'nor'
 Sp'ualiu' & temporalu' ac Co'itatum regni n'ri Angl' in p'senti
 p'liamento n'ro existenciu' & auctoritate ejusdem p'liamenti con-
 cedentes & declarantes p' nob' & Heredib' n'ris q'd utq; Capi-
 talu' Senescallor' n'ror' ac Heredum & assignator' n'ror' Heredi-
 tatum n'rar' p' te'pe existen' in singulis Com' d'ci regni n'ri infra
 Ballivam suam vel in quib' Officiu' suum senescalcie exe'cet seu
 exe'cere debeat in singulis Com'issionib' Custodum pacis ac Justic'
 laborator' servientem & artificum nec non Justic' ad div'sa felo-
 nias t'nsgressiones & malef'ca audienda & t'minand' assign'
 faciend' de tempore in tempus assignet^r & n'oiet^r
 ult^r

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ult' num' am hum'oi Custodum & Justic' juxta formam Statuti inde editi variis limitator' Statuto p'd'co non obstante q'dq nulle donac'oes concessiones p'donac'oes remissiones aut relaxacoe's que de cas Hereditates n'ras aut Honores Castra Man'ia t'ras ten' redditus feoda advocac'ones lib'tates & franchiseas ad easdem Hereditates n'ras qualicunq; p'tinencia seu aliquam parcellam eor'dem aut Wardas Custodias Maritagia Relevia exitus fines am'ciamenta p'sicua & comoditates aut Officiarios vel Ministros n'ros seu Heredum vel Assignator' n'ror' Hereditatum p'd'car' five Honores Castra Man'ia ter' ten' Redditus feoda advocac'ones lib'tates & franchisee illa in manib' n'ris aut d'cor Heredum vel Assignator' n'ror' five in manib' alior' quor'cunq; ex concessione five feoffamento n'ri aut eor'dem Heredum vel Assignator' n'ror' inde f'co seu faciendo ad t'minu' vite vel annor' aut in feodo seu alias qualicunq; ad opus n'rum seu Heredum vel Assignator' n'ror' conc'nunt seu aliquo casu em'gente aut quovis quosies colore conc'nere pot'unt aut de d'cis Hereditatib' n'ris seu aliqua p'cella ear'dem in futur' em'gere aut in eisdem fieri vel oriri conting'nt sub aliquo alio Sigillo n're Heredum vel Assign' n'ror' p'd'cor magno vel parvo p'tquam sub Sigillo n'ro p' Ducatu p'd'co ut p'mittit' ordinato vel ordinando duntaxat extunc faciend' seu aliquo alio Sigillo aliquid' conting'nt in futur' valida Sint aut effectualia quovis modo Immo cassa irrita reputen' & he'ant' imp'p'm La quele Peticion lieu ov'tement en cest p'lement & bien entendu fuisse respondu en le man'e qensuit le Roy de lassent des S'espeulx & temporelx esteantz en cest p'lement & a le requeste des Co'es avantditz le voet in toutz Pointz.

Ex Rotulo Parlamenti Anno 1^{mo} EDWARDI 4^{ti} No 17^o.

MEMORAND' q'd Die Mercurij Quarto Die Novembr' Anno Regni Regis *Edwardi* quarti post Conquestum primo coram D'no Rege in Camera depicta infra palacium Sou' Westm' Regali Solio Residente p'sentib' eciam q'm plurib' p'latis procerib' et Coib' Regni Angl' parlamentu' tunc ibidem Summonitu' Auctoritate Regia convocatis ven'abilis pater Georgius Ep'us Exon' Cancellar' Angl' Causam Summoniciois Parlamenti predicti de Mandato Ip'ius D'ni Regis notabiliter Declaravit assumens pro suo Themate Bonas Facies Vias valde Studia v'ra Jeremie Septimo.

ITEM quedam Cedula formam Actus in Se continens Exhibita fuit prefato D'no Regi in presenti Parlamento sub eo qui Sequitur Tenore Verborum.

FOR

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*Convictio quor-
dam D'nor et
alior' Auctorita-
te parlia-
menti.*

FOR asmoche as *Henry* late Kyng *Henry* the Sixt sheweth the Honour and trowth that owe to be Stablished in ev' y X'epen Prince dissimilling with the Right Noble and Famous Prynce Richard Duc of York to whome it lyked at the grete and Special Instaunce of the same *Henry* and of the Lordes Sp'uelx and Temporelx and Comyns of the Reame of Englonde Solempnely to hym made and for the tender and naturall Zele and Affection that he bare unto the comyn Wele good Pollitique and Restfull Gov'naunce thereof to take his Viage from the Cite of London toward the North Parties of the said Reame to Represse and Subdue and Resist the Unleeful and inordynat Com'ocion and Riotte there bigoune to the Subv'sion of the said Co'en Wele Pollitique and restfull Gov'naunce natheles procured Stered and Excited ayenst his promise and the forme of the Convencion and Concorde made betweene hem of and upon the Right and Title of the said Coroune Roiall Power Dignite Estate P'emynence and Possession of the said Reame the Murdre of the same Duc And where the seid *Henry* Usurpoure dissimilyng the Destruccion of other Lordes and Persones of the same Reame by his Writts called to assist hym to attend upon his P'sone to resiste and Represse another Commocion of People by his Assente and Will Gadered and Waged not oonlie in the North parties but also oute of Scotlonde comyng from the same parties with *Margarete* late called Quene of Englonde and her Son *Edward* late called Prynce of Wales entending to the Extreme Destruccion of the said Reame namely of the South parties thereof whereof Experience sheweth the clerenes respect had to the Spoile by theym of Godds Chirch of Chaleffes Crosses of Sylver Boxes for the Sacrament and other onourments longyng thereunto of defouling and Ravishing Religious Wymmen Weddowes and Maydens of unmanly and obhemynable entretyng of Wymmen beyng in the naturall Labour and Bataile of Travailyng of Child by the meyne thereof Piteously disperaged heven Sorowyng the Lost therby of the Soules that shuld have been of the Felanship of Christendom and of the Blisse of Heaven not abhorryng of unmanly unnaturall and beestly Cruelte to drawe Wymmen beyng in Childebedd from their Bedds naked and to Spoile hem of all her Goods a piteous desolacion The same *Henry* Actour Factour and provokour of the seid Commocion and assentyng of Coveyne with the said *Margarete* *Henry* Duc of Som'set and *Henry* late Erle of Northumb'londe in a Bataille to be shewed unto hym & offered of Fraudulent Dissimulation in a feld beside the Toune of St. Albounes the xvij. Day of Fever' last past not joyning his P'sone & blode to the defence tuicion and Salvacion of the same Lordes and P'sones com'en to assist hym by his auctorite and Com'aundement lyke a victorious and a Noble Captaine but lyke a disseyvable Coward ayenst Princely and Knyghtlee Duetee sodenly Privately and Shamefully refused theym Sufferyng and Procuryng to disseivably thefucion of their Blode and horrible Murdre and deth not
havyng

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havyng therof Sorowe Pittee or Compassion Adhering to the
 seid *Margaret* and to the said Duc of Som'set and other Lordes
 and P'sones that com'itted the seid horrible and cruell murdre of
 the said *Duc* of York and of the Erles of Rutland and Saleisbury
 and also of the seid people in the seid felde beside the seid Tounne
 of Seint Albounes Yevyng therefor to the seid Duc and other
 assistyng them therein a Speciall Laude and Thanke from
 thensforth applyng to theym and to their outrageous ualefull
 and unlawfull Riotts and Misgov'nauunce Ast' that Suffering
 wilfully thoo worthy and good Knyghtes William Lord Bouville
 and Sir Thomas Kiryell for the Prowesse of Knylthode ap-
 proved in their P'sones called to the Order of the Garter and
 William Gower Squier the beerer of oon' of his baners whom
 to be made feith and assurans under Kynges Word Proceedyng
 from his Mouth to kepe and defend theym there from all Hurte
 Joupardie and P'eil to be murdred and ast' that Tyrannyously
 hedded with grette violence withoute Process of Lawe or any Pit-
 tee contrary to his seid feith promysse abhomynable in the heryng
 of all X'pen Prynces Forasmoch also as Henry Duc of Som'sett
 p'posyng ymaginyng and compassyn of Ex'treme and insafacie
 Malice and Violence to destroy the right Noble and famous
 Prynce of wurthy Memorie Richard late Duc of York Fader to
 our Liege & Sov'ayne Lord Kyng *Edward* the fourth and in his
 Lyf v'ry King in right of the Reame of Englund singuler P'tec-
 tour Lover & Defensour of the good Gov'nauunce Pollicie Com'yn
 Wele Peas and Tranquillite thereof and also Thomas Courteney
 late Erle of Devonshire Henry late Erle of Northumb'lond Tho-
 mas Lord Roos John late Lord Nevill John Whelpdale late of
 Lychefeld Clerk Philip Lewes late of Thouresby in the Counte
 of Lincoln Clerk Bawdewyn Fulforth Knyght Alexander Hody
 Knyght Nicholas Latymer Knyght James Lotterell Knyght
 Edmund Mountford Knyght Thomas Fyndern Knyght Henry
 Lewes Knyght John Heron of the Forde Knyght Richard Tunstall
 Knyght Henry Belyngham Knyght Robert Whityngham Knyght
 William Grymnesby late of London late Squier Thomas Tun-
 stall late of Thurland in the Shire of Lancaster Squier Symond
 Hammes Knyght Thomas Dalton late of Lilbourne in the
 Counte of Northumb'lond Gentilman James Dalton late of the
 same Gentilman George Dalton late of the same Gentilman
 John Clapam late of Skipton in Craven in Yorkshyre Yoman
 Andrew Trollop late of Guyfues Squier Antony Notchill
 Knyght John Botiller late of Howke in the Counte of Dorset
 Squier Gaven Lamplewgh late of Warkeworth in the Shire of
 Northumb'lond Gentilman Edmund Fysh late of York Tayl-
 leour Thomas Frysell late of the same Smyth John Smoothing
 late of the same Yeoman John Caterall late of Braton in the
 Counte of York Gentilman Thomas Barton late of Helmesley
 in the Counte of York Gentilman William Typpes late of
 Southduffeld in the Counte of York Yoman Henry Clyff the
 Elder late of Lokyngton in the Counte of York Yoman Rob't

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Tomlynson late of Helagh in the Counte of York Yoman and Thomas Barton late of York Mason at Wakefeld in the Shire of York on Tywesday the xxx. Day of Decembr last past with grete despite & cruell violence horrible & unmanly Tyrannye murdred the seid right noble Prynce Duc of York and where also Henry Duc of Excestr' Henry Duc of Som'set Thomas Courteney late Erle of Devonshire Henry late Erle of Northumberland William Viscount Beamount Thomas Lord Roos John late Lord Clyfford Leo late Lord Wellas John late Lord Nevill Thomas Gray Knight Lord Rugemond Gray Randolph late Lord Dacre Humfrey Dacre Knyght John Morton late P'son of Blokesworth in the Shire of Dorset Clerk Rauff Makerell late P'son of Ryseby in the Shire of Suff Clerk Thomas Mannyng late of Newe Wyndesore in Berkshire Clerk John Whelpdale late of Lychefeld in the Counte of Stafford Clerk John Nayler late of London Squyer John Preston late of Wakefeld in the Shire of York Preeft Philip Wentworth Knyght John Fortescu Knyght William Talboys Knyght Edmund Mountford Knyght Thomas Tresham Knyght William Vaux Knyght Edmund Hampden Knyght Thomas Fyndern Knyght John Courteney Knyght Henry Lewes Knyght Nicholas Latymer Knyght Walter Nuthill late of Ryston in Holdernes in the Shire of York Squier John Heron of the Forde Knyght Richard Tunstall Knyght John Ormond otherwise called John Botillier Knyght William Mylle Knyght Symonde Hammes Knyght William Holand Knyght called the Bastard of Excestr' William Josep' late of London Squier Everard Dykby late of Stokedry in the Shire of Ruthlond Squier John Myrfyn, late of Southwerk in the Shire of Surr' Squier Thomas Philip late of Dertyngton in Devonshire Squier Thomas Brampton late of Guyfues Squier Giles Seyntlowe late of London Squier Thomas Claymond the seid Thomas Tunstall Squier Thomas Crawford late of Caley's Squier John Aldeley late of Guyfnes Squire John Lenche of Wyche in the Shire of Worcestre Squier Thomas Ormond otherwise called Thomas Botillier Knyght Rob't Bellyngeham late of Burnalthede in the Shire of Westm'lond Squier Thomas Everyngham late of Newhall in the Shire of Leycestr' Knyght John Penycok late of Waybrige in the County of Surr' Squier William Grymmesby late of Grymmesby in the Shire of Lincoln Squier Henry Roos late of Rokyngham in the Shire of Northampton Knyght Thomas Danyell late of Ryfing in the Shire of Norf' Squier John Bou late of the same Gentilman Richard Kirkeby late of Kirkeby Ireleth in the Shire of Lancast' Gentilman William Ackworth late of Luton in the Shire of Bed' Squier William Weynsford late of London Squier Richard Stuely late of Lambeth in the Counte of Surr' Squier Thomas Stanley late of Carlile Gentilman Thomas Litley late of London Grocer John Maydenwell late of Kyrton in Lyndsey in the Counte of Lincoln Gentilman Edward Ellesmere late of London Squier John Daufon late of Westmynster in the Shire of

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of Midd' Yoman Henry Spencer late of the same Yoman John Smolyngh late of York Yoman John Beaumont late of Godby in the Shire of Leye' Gentilman Henry Beaumont late of the same Gentilman Roger Wharton otherwise called Roger of the Halle late of Burgh in the Shire of Westm'land Grome John Joskyn late of Braughyng in the Shire of Hertf' Squier Richard Lyttester the Yonger late of Wakefeld Yoman Thomas Carr late of Westmynster Yoman Robert Bollyng late of Bollyng in the Shire of York Gentilman Robert Hatetale late of Barleburgh in the same Shire Yoman Richard Everyngham late of Pontfreyt in the same Shire Squier Richard Fulnaby of Gentilman Laurence Hyll late of Moche Wycombe in the Counte of Buk' Yoman Rauff Chernok late of Thorley in the County of Lancastr' Gentilman Richard Gaitford of Estretford in Cley in the Shire of Notyngh' Gentilman John Chapman late of Wymbourne Mynster in Dorsetshire Yoman and Richard Cockerell late of York Marchaunt on Sunday callid comynly Palme Sunday the xxix day of Marche the first Yere of his Reigne in a feld bitwene the Tounes of Shirbourne in Elmest and Tadcastr' in the seid Shire of York called Saxton feeld and Tawton feeld in the Shire of York accompanied with the Frenshmen and Scotts the Kynges Ennemyes falsely and traiterously ayenst their feith and Liegeaunce there Rered Werre ayenst the same King Edward their Right wise true and natural Liege Lord p'posyng there and then to have destroyed hym and deposed hym of his Roiall Estate Coroune and Dignite and then and there to that Entent falsely and traiterously moved bataille ayenst his seid Astate shedyng therein the Blode of a giete nombre of his subgetts In the which Bataille it pleased Almyghty God to yeve unto hym of the mysterie of his myght and Grace the Victorie of his Ennemyes and Rebelles and to subdue and avoyde the feste of their fals and traiterous P'pose And where also the seid Henry late called Kyng *Henry* the Sixt *Margarete* his Wyf late called Quene of Englund and *Edward* her Son late called Prynce of Wales And also Henry Duc of Excestr' Henry Duc of Som'set Thomas Lord Roos Thomas Grey Knyght Lord Rugemond Gray in the Fest of St. Marc Euangelist last past purposyng and ymagynyng the Destruccion of our seid Sov'eine Lord Kyng *Edward* to depose hym of his Roiall Astate and Dignitie procured of *James* Kyng of Scotts and of his Subgetts than Ennemyes of our seid Sov'ayne Lord their ayde Assistance an armed Power to Entre uppon the same our Sov'ayne Lord into his seid Reame to put hym from the Reigne thereof and to destroy hym and to that Entent convened with the same *James* Kyng of Scotts and ayenst their feith and Liegeaunce delyv'ed to hym to his Possession and Obeisaunce in the seid Fest the Toun and Castell of Berwyk of our seid Liege Lordes then beyng their right wisse true and naturall Liege Lorde to that End and Effect that the seid Kyng of Scotts soo then possessed of the seid Toun and Castell the Key of the Estmarches of Englund

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should thereby have Entre to Execute the unjust untrue and malicious P'pose and Entente of the same *Henry Margaret and Edward* and forasmoch also as the seide *Margaret* and also *Henry Duc of Excest'r* *Henry Duc of Som'set* *Jasper Erle of Pembroke* *James late Erle of Wiltshire* *Robert Lord Hungerford* *Thomas Mannyng Clerk* *John Laxe late P'sonne of Walton in the Shire of Som'sett* *Clerk Henry Lewes Knyght* *Robert Whittingham Knyght* *John Ormond otherwise called John Botillier Knyght* frere *Rob. Gasley* of the Order of the Freres p'chours and *Thomas Cornewaile Squier* have ayenst their feith and Liegeaunce dyw's tymes sith the fourth daye of Marche last past stured laboured and p'voked the Ennemyes of oure seid Sov'eine Lord Kyng *Edward* the fourth of owteward landes to Entre into his seid Reame with gret Bataills to Rere Werre ayenst his Astate within the seid Reame to conquere the same from his Possession and obeysaunce to depose hym of Roiall Astate Corounes and Dignite and to destruy his most Noble P'sone and Subgetts And where also the same *Margarete* and *Edward* her Sonn and also the said *Henry Duc of Excest'r* *Thomas Grey Lord Rugernond* *Grey Humfrey Dacre Knyght* *Edmund Hampden Knyght* *Rob't Whytingham Knyght* *Henry Bellingham Knyght* and *Richard Tunstall Knyght* adhering to the Scotts Ennemys of oure seid Sov'ayne Lord Kyng *Edward* the fourth convened with the same Scotts procuring desiring and waging theym to Entre into his seid Reame to make there Werre ayenst his Roiall Mageste bringing the same Scotts and Ennemyes to his Cite of Carlile besegying and Environnyng it brennyng the Subarbes thereof destroying the Houses habitacions and landes of his Subgetts nyghe therunto in man'e of Conqueste p'posyng ayenst their feith and Liegeaunce to have delyvered the seid Cite the Key of the West Marches of Englund into the Possession and obeysaunce of the seid Kyng of Scotts and to have spoiled the Coroune of Englund thereof as they didde of the seid Towne of Berwyk And ov'e That where the said *Henry* late called Kyng of Englund the Sixt and also *Thomas Lord Roos* *Thomas Gray Lord Rugemond* *Grey Humfrey Dacre Knyght* *John Fortescu Knyght* *William Tailboys Knyght* *Edmund Mountford Knyght* *Thomas Neveill late of Bruncepeth in the Byshopryke of Durham* *Clerk Humfrey Nevill late of the same Squier* and *Thomas Elwyke late of Caleys Squier* the xxvj day of Junye last past at Ryton & Brauncepath in the Byshopryke of Durh'm with Standardes & Gytons unrolled Rered Werre ayenst our seid Lord Kyng *Edward* purposyng to have deposed hym of his Roiall Astate Coroune & Dignite ayenst their feith & Liegeaunce And forasmoche alsoe as *Henry Duc of Excestre* *Jasper Erle of Pembroke* & *Thomas Fitzherry late of Hertford Squire* at a place called Tutehill besides the Towne of Carnarvan in Wales on Friday next aft' the Fest of Translacion of Seint Edward last past rered Werre ayenst the same our Sov'ayne Lord purposyng then & there to have proceeded to his Destruccion of fals
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and cruel violence ayenst their feyth and Liegeaunce It be declared & adgyssed by the assent & Advis of the Lordes Sp'uelx & Temp'x & Com'yns beyng in this present Parlement and by Auctorite of the same that the seid *Henry* late called King *Henry* the Sixt for the Consideracions of the grete haynouse & detestable malice & offenses afore specyfied by hym committed ayenst his feith & liegeaunce to our seid Liege Lord Kyng *Edward* the fourth his true right wisse and naturall Liege Lord offended and hurte unjustely & unlawfully the Roiall Mageste of our seid Sov'ayne Lord And that it be Ordeyned & stablISHED by the seid Advis Assent & Auctorite that the same *Henry* forfeit unto the same oure Liege Lord Kyng *Edward* the fourth & to the seid Coroune of Englonde all Castells Man's Lordship's Townes Touneships Honours Landes Ten'tes Rentes Services fee fermes Knyghtes fees Advousons Heredytaments and Possessions with their Appurten'nces which he or any other to his Use had the third day of Marche last past beyng of the Duchie of Lancast' or that were any Parcell or Membre of the same Duchie or thereunto unyed or annexed in the first Yere of the Reigne of *Henry* late called Kyng *Henry* the fift or at any tyme sith And that it be ordeyned and stablISHED by the said Advis Assent and Auctorite that the same Man's Castelles Lordships Honours Townes Touneships Landes Ten'tes Rents S'vices fee fermes Knyghtes fees Advousons Heredytaments & Possessions with their Appurten'nces in Englonde Wales & Calles & the Marches thereof make and from the seid fourth Day of Marche be the seid Duchie of Lancast' Corporat and be called the Duchie of Lancast' and that oure seid Sov'ayne Lord Kyng *Edward* the fourth have sease take hold enjoy and enherit all the same Manoirs Castelles & other P'misses with their app'tennce by the same name of Duchie fro all other his Enheritaunce separate fro the seid fourth day of Marche to hym and to his Heires Kyngs of Englonde perpetually and that the Counte of Lancast' be a Counte Palatyne and that oure Liege and Sov'ayne Lord Kyng *Edward* the fourth and his Heires have as Parcell of the seid Duchie the same Countie of Lancast' a County Palatyne and a Seale Chaunceller Juges and Officers there for the same and all manere Lib'tees Custumes Lawes Roiall and Fraunchises in the same Counte Palatyne lawfully and Right wisely used And o've that another Seale called the Seale of the Duchie of Lancast' and a Chaunceller for the keypyng thereof Officers and Counceillours for the gidyng and gov'naunce of the same Duchie and of the p'ticuler Officers Ministers Tenn'tes and Inh'taunts therof in as grete ample and large forme as *Henry* calling himself Kyng *Henry* the fift at any tyme therin had used or enjoyed lawfully and that by the same Auctorite the seid Officers and Ministers and also the Tenn'tes and Inh'taunts of and in the same Duchie have use Exercise and enjoy such and all Lib'tees Fraunchises Privilegs and Custumes as the Officers Ministers Tenn'tes and Inh'taunts of the same Duchie had used Exc'ised

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or enjoyed lawfully in the tyme of the same *Henry* falling himself Kyng *Henry* the fyft And that also in the same Duchie be used had and occupied all such Freedoms Liberties Fraunchises Customes Privilegs and Jurisdiccions as were used therein lawfully afore the seid iijj day of Marche and that the Officers Ministres Tenn'tes and Inh'taunts of or in the said Duchie be Entreated and Demeaned accordyng to the same Fredomes Lib'tees Fraunchises Customes Privileges and Jurisdiccions and not distreyned arted or compelled to the cont'ry in any wise And Moreover that it be Ordeyned Demed and Declared by the seid Assent Advis and Auctorite that the seid *Margaret* for the Consideracions of her Transgressions and Offenses afore specified comitted ayenst her feith and Liegeaunce to the same oure Sov'ayne and Liege Lord Kyng *Edward* stand and be by the seid Advis Assent and Auctorite convicted and attainted of High Treason And that the same *Margarete* and also the seid *Edward* her Son be unabled and taken holden demed and reputed unables and unworthy to have occupie hold enherit or Joy any State name of Dignite P'emynence or Possessions within the Reame of Englonde aforesaid in Ireland or Wales in Caleys or in the Marches therof in Fraunce or Guyenne And also That the same *Margarete* and *Edward* her Son forfeit to our seid Liege Lord Kyng *Edward* the fourth all Castellles Man's Lordshippes Honoures Landes and Tenementes with their App'ten'e's Goodes and Catteltes which they or either of theym or any other to their or either of their use had within the seid reame or in Wales aforesaid the seid iijjth day of Marche And also that the seid *Henry* duc of Som'set Thomas Courteney late Erle of Devonshire *Henry* late Erle of Northumberland Thomas Lord Roos John late Lord Clyfford and John late Lord Nevil be unabled forever from hensforth to have hold Enherit or Joy any name of Dignite Estate or P'emynence within the same reame in Irland or Wales or in Caleys or in the Marches thereof and that their Heires be unable to Cleyme or have by theym any such name Estate or P'emynence And that they and also John Whelpdale Clerk Philip Lowys Clerk Bawdewyn Fulforth Knyght Alexander Hody Knyght Nicholas Latymer Knyght James Loterel Knyght Edmund Mountford Knyght Thomas Fyndern Knyght Henry Lowes Knyght John Heron of the Ford Knyght Richard Tunstall Knyght Henry Belyngheam Knyght Thomas Fyndern Knyght Robert Whityngham Knyght William Grymmesby late Squier Thomas Tunstall Squier Symond Hammes Knyght Thomas Dalton Gentilman Gawen Lamplew Gentilman Edmund Fish Thomas Fuzell John Emochyng Yeomen John Cateral Thomas Barton late of Helmesley William Fyppes Henry Clyff Rob't Tomlynson & Thomas Barton of York Mason for their traitours cruell and horrible Murdre of the seid Right Noble Prynce Duc of York afore declared stand & be Convycted and Attaynted of High Treason and forfeit to the Kyng and his heires all the Castellx Man's Lordships Landes

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Ten'tes Rents S'vices Fees Advoufons Hereditaments and Possessions with their App'ten'ncez which they or any of theym aforeseid attaynted or any other P'sone or P'sones Feoffees to the use or behofe of any of the seid P'sones so attaynted had the same day lawfull Cause of Entre within Englund Irland or Wales or the Marches therof oute of the Lib'te of the Bishopryke of Durh'm that is to sey bitwene the wat's of Tyne and Teefe and in the Places called Northamshire and Bedelyntonshire within the counte of Northumb'lond in the which Lib'tee & Places the Bishop of Durham and his P'dcessours of tyme that noo mynde is have had Roial Right & Forfeiture of Werre in the Right of the Chirch Cathedrall of Seint Cuthbert of Durh'm as by Concord of Parlement in tyme of the Noble Progenitours of our seid Sov'ayne Lord Kyng *Edward the fourth* it hath bene Assented And also it is Ordeyned and Establisshed in this present parlement by th' avis & assent of the Lordes Spuuell & Temporell & Com'yns of this Reame in the same parlement assembled that all Man's Landes Ten'tes Rents Reverfions Possessions and other Inheritements of which any P'sone or P'sones aforenamed by this p'sente Acte Atteynted were seised or had any Astate Title Right Int'esse or Possession sooly by theymself or joyntly with other the xxix Day of the said Moneth of Decembr To the Use Profitte or behofe of any P'sone or P'sones by this present Acte not Attaynted be not forfeited nor forfeitable in any wise to the Kyng nor to his Heires nor to the seid Bishop nor to his Successours nor seisable into any of their Handes by this p'sent Acte but utterly be Excepted and forprized out of the same and that all such Estate Title Right Int'esse and Possession which any of the seid P'sone or P'sones by this Acte Atteynted had the seid xxix Day in any Man's Landes Ten'tes Rents Possessions and other inheritements to the Use P'fite or behofe of any P'sone or P'sones by this Acte not atteynted grewe come and be to every of the same P'sone or P'sones by this Acte not Atteynted and to their Heires and in the same P'sone or P'sones and their Heires be vested and they therin be Entitled in such Wyse forme and man' of Estate Title Right and Possession as the said P'sone and P'sones by this Acte Atteynted or any of theym were seised Entitled or possessed of or in the same Manoirs Landes Tep'tes Rentes Possessions or other Inheritements or any of theym to the Use P'fite or behofe of any of the seid P'sones not Attaynted by this Acte And that all such Estate Title Right Intereffe and Possession which any of the said Persons by this Acte Atteynted had the seid xxix Day in any Man's Landes Ten'tes Rentes Possessions or other Inheritements joyntly with any other P'sone or P'sones by this Acte not Attaynted To the Use P'fite or behofe of any P'sone or P'sones by this same Acte not Attaynted grewe come and be to the same P'sone or P'sones with whom any of the seid P'sones in man'e aforeseid attaynted had such joynt Astate Right Title Intereffe or Possession the said xxix day and in theym to be vested and they therin sooly without any of

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the seid P'sones soo Attaynted Intitled seised & possessed And that it bee leeful to every P'sone or P'sones by this Act not Attaynted to whose Use any of the seid P'sones in the forme aforesaid attaynted had any Estate Right Title Int'esse or Possession in any Man's Londes Ten'tes Rentes Possessions or other Inheritements to Enter into the same into whos Possession soever They be seised or come as well uppon the Possession of the Kyng oure Sov'ayne Lord as uppon the Possession of any other P'sone or P'sones by this Act not Attaynted and theym have and Enjoye accordyng to the Right Title Int'esse & Possession which any P'sone or P'sones by this Acte Atteynted had in the same the seid xxix Day to the Use P'fitte or behose of theym or of any of theym aforesaid by this Acte not Attaynted And also that it be lefull to every P'sone or P'sones by this Acte not Attaynted with whome eny of the seid P'sones in manere aforesaid by this Acte Atteynted hadde any joynt Asse Right Title Intereffe or Possession in any Man's Londes Ten'tes Rentes Possessions or other Inheritements the seid xxix Day To the Use Profitte or behose of eny P'sone or P'sones by this Acte not Attaynted to enter into the same Man's Londes Ten'tes Rentes Possessions and other Inheritements into whoos Possession soev'r they be seised or come as well uppon the of the Kyng oure Sov'ayne Lord as uppon the Possession of any other P'sone or P'sones by this Acte not Attaynted and the same Man's Londes Ten'tes Rentes Possessions and other Inheritements in theym be vested and they therein sooly withoute any of the seid P'sones soo Attaynted entitled seised and possessed savyng to every of the Kynges Lieges and their Heires other then been Attaynted by this Acte & their Heires clayming any Inheritaunce by theym or any of theym soo Attaynted their Right Title Int'esse of and in all such Man's Londes Ten'tes Rentes Possessions and all other Inheritements of which any of the seid P'sons soo attaynted was seised by theym self or jointly with other in maner aforesaid or in any otherwise to the Use and behose of any other P'sone or P'sones not Atteynted by this Acte the seid xxix Day And Moreover it is Ordeyned and Establisshed by the said Advis Assent and Auctorite that every of the Wyfes of every of the said Persone or P'sones now lyvyng by this Acte Atteynted and every such Woman as was the Wyf of eny of the said P'sones nowe Dede by this Acte Atteynted which Wyfes or other Wymmen were borne under the Obeytaunce of the Coroune of Englonde in any Place oute of the Reame of Fraunce and of the Duchie of Normandy or Borne oute of this Reame and lawfully bigoten by any Englishman after the Deth of their Husbondes frely enjoy have and possede all their owne Inheritaunc's to theym and to their Heires other than been Attaynted by this Act and all Mann's Londes Ten'tes Rentes Possessions and other Inheritements wherof they or any of theym the said xxix Day of Decembr' in any wise were Seised or Possessed in their owne Right State or Possession or joyntly with any of their seid Husbondes or with eny other P'son or P'sones or

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or of which any P'sone or P'sones were Seised to the Use of eny of the seid Wyfes after the forme and man'e and in like Estate as they or any of theym were entituled in the same the seid xxix Day and during their Astatcs hit be not seisable into the Kynges handes nor the Kyng to be Answered of any Issues and Profittes therof the same Astatcs duryng by reason of this Acte And that it be lewfull to every of the said Wyfes & Wymmen and to every of their Heires by yis Acte not Attaynted to Entre into the same Man'rs Londes Ten'tes Rentcs Possessions & other Inheritements into whos Possession soev'r they be seased or come as well uppon ye Possession of the Kyng o'r Sov'ayne Lorde as uppon the Possession of any o'r P'sone or P'sones by this Acte not Attaynted & theym & ev'ry of theym hold & enjoy to theym and to their Heires by this Acte not Attaynted According to their Title & Int'esse in the same Savyng to ev'ry of the Kynges Lieges and their Heires other than such as been Attaynted by this Acte and their Heires enclayming any Inheritance by theym or any of theym soo attaynted or other having any Tytle Right or Int'esse in any of the same Man'rs Londes Ten'tes and Possessions or other Inheritance to the Use of any of theym soo attaynted the Title Right and Int'esse of the same Lieges and their heires of and in all such Man'rs Londes Ten'tes Rentcs Possessions and all other Inheritements of which eny of the seid P'sones soe Attaynted was seised by theymsilf or jointly with other the seid xxix Day And also it is Ordeyned and Establisshed by the seid Advis Assent and Auctorite that yf any of the seid P'sones by this Acte Attaynted have made any Estate Feoffement or discontinuance of any Londes Ten'tes Rentcs Possessions and other Inheritements whereof they or any of theym were Seised or Possessed in the Right of any of their Wyfes at the tyme of such Astatcs Feoffments or discontinuance made to eny P'sone or P'sones in eny wite that the seid Londes Ten'tes Rentcs Possessions and other Inheritements be not comprised in this Acte but utterly be excepted & forprised oute of the same And that the Right & Title of every of the seid Wyfes of & in all such londes Ten'tes Rentcs Possessions and other Inheritements be & rest in ev'ry of the seid Wyfes and they to be at her Accions & Recov'ees of the same & every Parcell therof Accordyng to the Course of the Comyn Lawe of Englonde this Acte or any other Acte or any other Acte or Orden'ce in this present Parlement made or to be made notwithstanding And that the seid Henry Duc of Excestr' Henry Duc of Som'set Thomas Countess late Erle of Devonsh're Henry late Erle of Northumberland Jasper Erle of Pembroke James late Erle of Wilteshire William Vicecount Beaumont Thomas Lord Roos John late Lord Welles John late Lord Nevill Thomas Grey Lord Rugemond Grey and Randolph late Lord Dacre for their Traitous Offences and Transgressions above specified comytted ayenst the Astate coroune and Dignite of oure seid Sov'ayne and liege Lord Kyng Edward the fourth ayenst their feith and Liegeaunce be unabled ever from hensforth to have hold enherit or Joy any name

APPENDIX.

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name of Dignite Estate or P'emynence within England or Ireland or Wales or Caleys or in the Marches thereof And that their Heires be unable to Cleyme or have by them any such name Astate or P'emynence And that they and also the seid John Moreton Clerk Rauff Makerell Clerk Thomas Mannyng Clerk John Whelpdale Clerk John Nayler Squier John Moreton Preeft Robert Ellfeild then of John Lax Clerk Philip Lowys Clerk Humphrey Dacre Knyght Philip Wentworth Knyght John Fortescu Knyght William Tailboys Knyght Edmund Mountford Knyght Thomas Tresham Knyght William Vaux Knyght Edmund Hampden Knyght Thomas Fyndern Knyght John Courteney Knyght Henry Lewes Knyght Nicholas Latymer Knight Walter Notchill Squier Thomas Claymond John Ormond otherwise called John Botillier Knyght William Mille Knyght William Holand otherwise called the Bastard of Excestr' Knyght Thomas Entryngham Knyght Henry Roos Knyght Humfrey Nevill Squier William Josef Squier Ev'rard Dygby Squier John Myrfyn Squier Thomas Phelip Squier Thomas Brampton Squier Gyles Seyntlowe Squier John Aldeley Squier Thomas Crawford Squier John Lenche Squier Thomas Brymound Knyght Robert Bellyngeham Squier Thomas Danyell Squier William Waynesford Squier Edward Ellesmere Squier John Joskyn Squier Richard Everyngham Squier Thomas Cornwayll Squier Thomas Elwyke Squier Thomas Fitzherry Squier John Penycok John Doubiggyng Gentilman Richard Kyrkeby Gentilman John Beaumont Gentilman Henry Beaumont Gentilman Robert Bellyng Richard Fulnaby Raulph Chernok John Maydenwell Gentilman Thomas Litley Grocer William Ackeworth Richard Stuckley Roger Wharton John Dauson Yoman Henry Spencer Yoman Richard Litestr' Yoman Thomas Carre Yoman Rob't Hactale Yoman John Chapman Yoman Laurence Hyll Yoman Richard Gayteford and Richard Cokerell for their Traitous Offenses and Transgressions aforedeclared com'itted and doon ayenst the said Astate Coroune and Dignite of oure seid Sov'rayne Lord Kyng *Edward* the fourth stand and be convycted of High Treason and forfeit all the Castelles Man'ors Londes Lordshippes Ten'tes Rentcs S'vices Fees Advousons Hereditaments and Possessions with their App'ten'c's which they or any of theym had of Estate of Enheritaunce or eny other to their or eny of their Use hadde the seid iiijth Day of March or into which they or any of theym aforeseid attaynted or eny other P'sone or P'sones Feoffees To the Use or behofe of eny of the seid P'sones soo attaynted had the same iiijth Day of Marche lawfull Cause of Entre within Englund Ireland or Wales or Caleys or in the Marches therof oue of the Lib'tee of the Bishoprike of Durh'm that is to sey betwene the Water of Tyne and Teese and in the Places called Northamshire and Bedlyntonshire within the Counte of Northumb'land in the which Lib'tee and Places the Bishop' of Durh'm and his P'ecessours of tyme that noo mynde is have had Roiall Right and Forfeiture of Werre in the Right of the Chirch Cathedraall of Seynt

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Seynt Cuthbert of Durham as by Concorde Parlement in tyme of the noble Personours of oure seid Sov'ayne Lord Kyng Edward the fourth his hath been assented and over that it be Ordeyned Graunted and Stablished by the seid Advis Assent and Auctorite that every P'sone by any Acte made in this present Parlement Atteynted of Treason Ayenst our seid Liege and Sov'ayne Lord forfett to the Reverende Fader in God Laurence nowg Bishop of Durh'm and to his Successours in the Right of Chirch Cathedrall of Seint Cuthbert of Durh'm All the Man'rs Londes Ten'tes and other Possessions and Hereditaments with their Appurtenances which they or any other to their or any of their Use have within the seid Lib'tee that is to seybitwixt the said Waters of Tyne and Teefe within the seid Places called Northampshire and Bedelyngtonshire the seid iiijth Day of Marche And also it is Ordeyned and Established in this p'sent Parlemen^t by thavis and Assent of the Lordes Sp'uell and Temporell and Com'yns of this Reame in the same Parlement assembled that all Man'rs Londes Ten'tes Rentes Rev'sions Possessions and other Inheritements of which any P'sone or P'sones aforenamed by this presente Acte attaynted were seised or had any Astate Title Right Interesse or Possession Sool by theymsilf or Joyntly with other the fourth Day of the seid Month of Marche to the Use Profitte or behofo of eny P'sone or P'sones by this p'sente Acte not Atteynted be not forfeited nor forfeitable in any wise to the Kyng nor to his Heires nor to the seid Bishop nor to his Successors nor seisable into any of their Handes by this present Acte but utterly be excepted and foreprised out of the same And that all such Estate Title Right Interesse and Possession which any of the seid P'sone or P'sones by this Acte attaynted had the seid iiijth Day in any Mann'rs Londes Ten'tes Rentes Possessions and other Inheritements to the Use Profitte or Behofo of any P'sone or P'sones by this Acte not attaynted growe come and be to Every of the same Persone or P'sones by this Acte not Attaynted and to their Heires And in the same P'sone or P'sones and their Heires be vested and they therin be Entitled in such wise fourme and mannere of Estate Title Right and Possession as the seid P'sone or P'sones by this Acte attaynted or any of them were seised intituled or possessed off or in the same Man'rs Londes Ten'tes Possessions or other Inheritements or any of theym To the Use Profitte or behoofe of any of the seid P'sones not Attaynted by this Acte And that all such Estate Title Right Interesse and Possessions or other Inheritements joyntly with any other P'sone or P'sones by this Acte not Attaynted To the Use Profitte or behofo of eny P'son or P'sones by this same Acte not attaynted growe come and be to the same P'sone or P'sones with whom eny of the seid P'sones in manere aforeseid Atteynted had such joynt Estate Right Title Interesse or Possession the seid fourth Day and in theym be vested and they therin sooly without any of the seid P'sones soo Attaynted Intituled Seised or Possessed and that it be leeffull to every P'sone or P'sones by this Acte
not

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not Atteynted to whose Use any of the seid P'sones in the forme
aforeseid Atteynted had any Estate Right Title Interesse or Pos-
session in any Man'rs Londes Ten'tes Rentez Possessions or other
Inheritements to Entre into the into whose Possession soever
they be seised or come aswell upon the Possession of the Kyng
oure Sov'rayne Lord as uppon the Possession of any other P'sone
or P'sones by this Acte not Atteynted and theym have and En-
joye Accordyng to the Right Title Interesse and Possession
which any P'sone or P'sones by this Act Atteynted had in the
same the seid fourth Day to ye Use Proffitte or behofe of yeym
or any of yeym aforeseid by yis Acte not Atteynted And also
that it be leeful to every P'sone or P'sones by this Acte not At-
teynted with whome any of the seid P'sones in man'r aforeseid
by this Acte Atteynted had any joynt Astate Right Title Inte-
resse or Possession in any Man'rs Londes Ten'tes Rentez Posses-
sions or other Inheritements the seid iijth Day To the Use
Profitt or behofe of eny P'sone or P'sones by yis Acte not At-
teynted to Entre into ye same Man'rs Londes Ten'tez Rentez
Possessions and o'r Inheritemenz into whose Possession soever
they be seised or come as well uppon the Possession of ye Kyng
our Soverayn Lord as uppon ye Possession of any o'r P'sone or
P'sones by yis Acte not Atteynted And ye same Man'rs Londes
Ten'tez Rentez Possessions & o'r Inheritements in yeym be
vested yey y'em soly w't'out eny of the seid P'sones so Atteynted
Entitled & Possessed Savyng to every of the Kynges Lieges and
their Heires other then been Atteynted by this Acte and their
Heires claymyng any Inheritance by theym or any of theym soo
Atteynted their Right Title & Int'resse of and in all such Man'rs
Londes Ten'tes Rentez Possessions and all other Inheritements
of which any of the said P'sones soo Atteynted was seised by
theymsilf or joyntly with other in man're aforeseid or in any
otherwise to the Use & behofe of any other P'sone or P'sones not
atteynted by this Acte the seid fourth day And moreover it is
Ordeyned and Established by the seid Advis Assent and Auctorite
thatev'ry of the Wyfes of every of the seid P'sone or P'sones now
lyvyng by this Acte Atteynted and every such Woman as was
the Wyf of any of the seid P'sones now dede by this Acte At-
teynted whych Wyfes or other Wymmen were borne under the
Obcisaunce of the Coroune of Englund in any place out of the
Reame of Fraunce and of the Duchie of Normandie or borne
oute of this Reame and lawfully bigotten by any Englishman
after the Deth of their Husbondes frely enjoy have and possede
all their owne Inheritauncez to theym and to their Heires other
then been Atteynted by this Acte And all Man'rs Londes &
Ten'tez Rentez Possessions and other Inheritements whereof they
or any of theym the seid Fourth Day of Marche in any wise were
seised or possessed in their owne Right State of Possession or joyntly
with any of their seid Husbondes or with any other P'sone or
Persones or of which any P'sone or P'sones were seised to the Use
of any of the seid Wymmen aft' the forme and mannere and in
lyke

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ye Astate as they or any of theym were Entitled in the same the seif fourth Day and that during their Astates hit be not seisible into the Kynges handes nor the Kyng to be Answered of any Issue and Disfitte therof the same Estates duryng by reason of this Acte And that it bee leeffull to every of the said Wyfes or and Wymmen and to every of their Heires by this Acte not Attaynted to Entre into the same Man'rs Londes Ten'tes Possessions and other Inheritements into whos Possession soever they be seised or come as well uppon the Possession of the Kyng oure Sov'rayne Lord as uppon the Possession of any other P'sone or P'sones by this Acte not Attaynted And theym and every of theym hold and Enjoy to theym and to theyr heires by this Acte not Attaynted Accordyng to their Title and Interesse in the same Savyng to every of the Kynges Lieges and their Heires other than such as been Attaynted by this Acte and their Heires enclaymyng any Inheritaunce by theym or any of theym soo attaynted or other having any Title Right or Interesse in any of the same Man'rs Londes Ten'tes and Possessions or other Inheritaunce To the Use of any of theym soo Attaynted The Title Right and Int'resse of the same Lieges and their Heires of and in all such Man'rs Londes Ten'tes Rentes Possessions and all other Inheritements of which any of the seid P'sones soo Attaynted was seised by theymself or Joynly with other the seid fourth Day And also it is Ordeyned and Established by the seid Advis Assent and Auctorite that yf any of the seid P'sones by this Acte Attaynted have made eny Astate Feoffment or discontynuaunce of any Londes Ten'tes Rents Possessions and other Inheritements wherof they or any of them were seised or possessed in the Right of any of their Wyfes at the tyme of such Estates Feoffments or Discontinuances made to any P'sone or P'sones in any Wyse that the seid Londes Ten'tes Rentes Possessions and other Inheritements be not comprised in this Acte but utterly be excepted and forprised oute of the same and that the Right and Title of ev'ry of the seid Wyfes of and in all such Londes Ten'tes Rentes Possessions and other Inheritements be and rest in ev'ry of the seid Wyfes and they to bee at her Accions and Recov'ees of the same and ev'ry parcell therof accordyng to the Cours of the Com'yn Lawe of Englonde this Acte or any other Acte or Ordenaunce in this p'sent Parlement made or to be made notwithstanding Savyng to every of the Kynges Lieges and his Heires other than the P'sones by this Acte Attaynted and their Heires such Right and Title as he had to his owne use and not to the Use of any of theym in man're aforeseid Attaynted or any of their heires attaynted by this Acte to any of the seid Castellles Man'rs Londes Ten'tes Rentes Services and other Premises aforeseid or into any Parcell therof Savyng also to all the Kynges Lieges and to their Heires and to ev'ry of theym other than such as been attaynted by this Act and their heirs claymyng by discent by any of theym in man're aforeseid Attaynted such Title Right Interesse and Possession as they or any of theym have or the seid

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xxix Day of December or the seid fourth day of Marche had in the Premisses or any Parcell therof the said Machie of Lawcraft and every Parcell and Membre therof Excepted other than they or any of theym have or the seid xxix Day or the seid fourth day of March had in the Premisses or any Parcell therof To the use and behofof the seid P'sones in Man're aforeseid attaynted or any of theym or to the Use of the Heires of any of them soo Attaynted. And also it is Ordeyned moreov'r by the seid Advis Assent and Auctorite that all Obligacions made of Statute M'rchaunt Statute of the Staple or otherwise Suerteetes & Reconysaunces made to any of the seid P'sones in the forme aforeseid Attaynted to the use and behofof of any of the Kynges Lieges other than any of theym in the forme aforeseid Attaynted or to the Use or behofof the Executors or Administrators of any P'sone now dede not Attaynted by this Aste be availlable to theym to whose Use Profitte or behofof the same Obligacions Suerteetes and Reconysaunces were made and that no Right or Duete growe to the Kyng by reason of any such Obligacions Suerteetes or Reconysaunces but that they to whose use profitte or behofof the same Obligacions Suerteetes or Reconysaunces were made have and p'sue in their own names to their owne Profitte and Availl in all and every the Kyngs Courts all Accions Execucions and Recov'rees though they bee not named in the same in such man're and forme as though the same Obligacions Suerteetes and Reconysaunces were made to theymself and yf any Obligacions Suerteetes or Reconysaunces were made to any of the seid P'sones soo Attaynted and to any other P'sone or P'sones by this Aste Attaynted To the Use or behofof the same other P'sones or any of the Kynges Lieges not named in this Aste that than all Accions Recoverces Suites and Execucions be haddé uppon such Obligacions Suerteetes and Reconysauncez oonly by the said other P'sone or P'sones named in the same not Attaynted by this Aste or by their Executours or Admynistratours withouten namyng in the seid Sutes Accions and Execucions any of the P'sones in the forme aforeseid Attaynted and that noo man'r Right nor Duete growe to the Kyng by reason of the seid Obligacions Suerteetes or Reconysauncez. Savyng to every of the Kynges Lieges bounden in any of the seid Obligacions Suerteetes and Reconysaunces their Heires Executours & Admynistratours and Terreten'tes and every of theym all manere Accions Sutes Pleees and Discharges touchyng the same Obligacions Suerteetes and Reconyzancez as they or any of theym had the first day of this p'sent Parlement Savyng also to every of the Kynges Lieges and to their heires not Attaynted and to the heyres of ev'ry their Right Title Possession and lawfull Entre or Entrees in and to all Castells Honoures Man'rs Londes Ten'tes Advousons and all other P'misses in man're aforeseid forfeited and every of theym of which they or any of theym were lawfully seised and possessed & by the seid P'sone or P'sones in man're aforeseid Attaynted or any of theym unlawfully disseised and put out Also it is Ordeyn-

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Jeyned by the seyd Advis Assent and Auctorite that the Kyng oure
So prayme Lord make under his L^res Patentes sufficient & sure
Assignments upon the same Landes and Lyvelood of the Lord
Hungerford and Moleyns that John Say John Mervyn Gregory
Westby and other wherein they had State for the Payment and
Contentacion of such Somes of Money as to eny Marchaunt or
Marchauntz or other P^rson or P^rsones of this Londe Stondyng
under the Kynges Obeysaunce or his save Conduct been due by
the seyd Lord Hungerford for eny payments made afore this
tyme for his Fynaunce and also CCCLviii^l. xvj^s. iij^d. Ob^r yet
owing of the Dette of the seyd Robert Son of Waulter yf the seyd
some can be proued due. Quaqudem Cedula Coibz^r Regni
Anglⁱ in eodem parlamento existen^r Transportata fuit Cui ijdem
Co^res Assensum suum p^rbuerunt Sub hijs Verbis A Cest Aste
les C^roez sount Assentuz quibus quidem Cedula et Assens^m in
Parlamento p^rdicto Lectis Auditis et Plenius Intellectis de
Avisamento et Assensu Dominor^r Spuali^r et Temporalium
in Dicto Parlamento existen^r Respondebatur Sub hijs Ve
rbis Le Roy Le Voet Provided alwey that this p^rsent Aste
of Attendre Extend not ne Stretch ne hurt ne be p^rjudiciall
to John Newburgh in the Shire of Dorset Gentilman nor to his
Heires of to or for the Maner of Sutton Poyntz with the Appur
tenn^rcez in the said Shire of Dorset nor any part thereof ne of
to or for the Hundred of Colyfordes^r nor of to or for any part
thereof nor of to or for any Landes and Tene^rnts with in Sut
ton Poyntz abovefeid nor of to or for any part therof nor of to or
for the Right Title Entre or Possession of the seyd John the
which he hath or had to or yn the seyd Ma^rner Hundred Landes
& Ten^rtes & every Parcel thereof The which Ma^rnor Hun
dred Landes and Tenements James late Erle of Wilteshire had
by Fyne resid in the Courte of Henry late y called Kyng Henry
the Sixt of Englund in Dede in not of Right to the feid James
and to the Heires of his Body begotten and for defaulte of such
Issue the Remayndre therof to the seyd John Newburgh and to
his heires in fee for ev^rmore.

*Ex Rotulo Parliamentⁱ de Anno Rⁿⁱ Regis EDWARDI
quarti primo.*

ITEM Quedam Cedula formam Actus in Se continens
Exhibita fuit p^rfato D^{no} Regi in Presenti Parlamento Lancast^r }
Duche. }²⁶
sub eo qui Sequitur Tenore verbor^r Forasmoeche as HENRY
late Kyng HENRY the Sixt ayenst the Honoure, &c.

IT be Declared and adjudged by th^rassent and advis of the
Lordes sp^ruely and Temporely and Comyns beyng in this
present P^rlement and by auctorite of the same that the said
Henry late called King Henry the Sixth for the Consideracions of the
the

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the grete haynouse and detestable matters and offences afore specified by hym commytted ayenst his feith and Liegeaunce to oure seid Liege Lord Kyng *Edward* the fourth. his true right wife and naturall Liege Lord offended and hurte unjustely and unlawfully the Roiall Mageste of our said Sov'ayne Lord and that yt be Ordayned and Stablisshed by the seid Advis assent and auctorite that the same *Henry* forfeit unto the same our Liege Lord Kyng *Edward* the fourth and to the said Coroune of Englonde all Castellys Man'rs Lordships Tounes Touneships Honours Landes Tenements Rentes Services Feefermees Knyghtes Fees Advousans Hereditaments and Possessions with their Appurtenances which he or any other to his Use had the Third Day of Marche last past beyng of the Duchie of Lancast' or that were any parcell or Membre of the same Duchie or thereunto unyed or an'xed in the first Yere of the Reigne of *Henry* late called Kyng *Henry* the fift or at any tyme Sith And that it be Ordained and Stablisshed by the seid Advys assent and auctorite that the same Man'rs Castelles Lordships Honoures Tounes Touneships Landes Ten'ntes Rentes S'vices Fee Farmes Knyghts Fees Advousons Heredytaments and possessions with their Appurtenances in England Wales and Caleis and the Marches thereof make and from the said fourth Day of Marche be the seid Duchie of Lancast' Corporat and be called the Duchie of Lancast' and that oure said Sov'ayne Lord Kyng *Edward* the fourth have seafe take hold Enjoy and Enherit all the same Manoirs Castelles and other Premisses with their Appurtenances by the same Name of Duchie fro' all other his Enheritauncez seperate fro' the said fourthe Day of Marche to hym and to his Heires Kings of Englonde p'petuelly and that the counte of Lancast' be a Counte Palatyne and that oure Liege and Soverayne Lord King *Edward* the fourth and his Heires have as parcell of the seid Duchie the same Countie of Lancast' a Counte Palatyne and a Seale Chaunceller Juges & Officers there for the same and all man're Libertees Custumes Lawes Roial and franchises in the same Countie Palatyne lawfully and rightwisely used and ov'r that ano' Seale called the Seale of the Duchie of Lancast' & a Chaunceller for the Kepyng thereof Officers and Counceillours for the gidyng and Governauce of the same Duchie and of the p'ticuler Officers Ministres Ten'ntes and Inh'itauntes thereof in as grete ample and large forme as *Henry* callyng hymself Kyng *Henry* the fift at any tyme therein had used or Enjoyed lawfull and that by the same Auctorite the seid Officers and Ministres and also the Ten'ntes & Inh'itauntes of and in the same Duchie have use exercise & Enjoy such and all lib'tees fraunchises Privileges & Custumes as the Officers Ministres Tennantes and Inh'itauntes of the same Duchie had used Exercised or enjoyed lawfully in the tyme of the same *Henry* callyng hymself Kyng *Henry* the fift and that also the same Duchie be used had & Occupied all such f'reldomes lib'tees fraunchises Custumes Privileges & Jurisdic'cons as were used therein lawfully afore the said iiij Day
of

of Marche and that the Officers Ministres Ten'tes & Inh'taunts of or in the seid Duchie be Entreated and Demeaned according to the same freedoms lib'tees fraunchises custumes Privilege & Jurisdic'cons & not Distreyned arted or Compelled to the Contrary in anywise.

*Prima Pars Rotul' Parliament' de Anno Regni - Regis
HENRICI Septimi Primo.*

PARLIAMENT' tent' apud Westm' Septimo Die
Novembris Anno Regni Regis HENRICI Septimi
Primo.

From the Rolls.

ITEM quedam alia Billa cum quadam Cedula eidem annexa *Actus con-*
exhibita sunt coram D'no Rege in Parlamento p'c'co Sub *cessus An-*
hujus Verbis Where in the Parliament begon and holden at *nex Du at*
Westm' the Sixt Day of Octobre the xijth yere of the Reigne of *Larc' Co -*
nub' at al' }
Edward late King of Englund the iijth and by diverse Proro-
gac'ons unto the xxij Day of feverer the xiiijth yere of his
Reigne contynued and than there holden for certayn confidera-
c'ons by thadvyse and assent of the Lordes Sp'uelx and Tempo-
relx and com'ons in that Parliament assembled and by the Auc-
torite of the same willed ordeyned and Enacted that Thomas
Cardinall Archbischop of Canturbury William Bischop of Ely
Richard Bischop of Sar' Rob't Bischop of Bath and Wells
Thomas Bischop of Lintolne Henry Erle of Essex Anthony Erle
Rivers William Lord Hastings John Lord Dynh'm Maister
John Russell Clerc Keper of the Kinges Prive Seale Maister
William Dudley Dean' of the Kings Chapell Thom's Burgh'
Knyght William Parr Knyght Thomas Mountgomery Knyght
Maister John Gunthorp' Clerc Richard Fowler and William
Huse fro the same xxij. day have holde enjoye and possede the
Honno' Castell Lordship and Manno' of Tuttebury with the
Membres and Appurten'nes and all Mannors Lordships Landes
Ten'ts Rentes and S'vices parcell of Duchie of Lancastr' in the
Countees of Stafford and Derby with the Appurtennes The
Castell Lordship' and Manno' of Kenelworth parcell of the
Duchie of Lancastr' in the Counte of Warrewyk with th'ap-
purtenn'c's The Honno' Castell and Manno' of Leicestr' w^t
the membres and appurten'nces and all the Manno's landes and
Ten'ts Rents and S'vices parcel of the Duchie of Lancastr' in
the Countees of Leycestr' Warwyk and North'mpton with thap-
purtenn'c's The Honno' Castell Lordship' and Manno' of Bo-
lyngbroke w^t the Membres and Appurten'nc's and all other
Manno's Lordships Landes Ten'ts Rents and S'vices parcell
of the Duchie of Lancastr' in the Counte of Lincoln w^t th'ap-
purtenn'c's The Lordship' and Mano' of Longbenyngton par-
cel of the Duchie of Lancastr' in the Counte of Lincoln w^t

From the Rolls.

thappurtenneces The Honno's Castells Lordshippis and Man'ors of Pounfret Tykhuill Knaresburgh' and Pykeryng w^t their Membres and Appurtenn'cs and all Manno's Lordshipp's Landes Ten'ts Rents and Services parcel of the Duchie of Lancastr' in the Countees of York and Notynggham w^t their Appurten'nces The Castell Lordship' and Manno' of Dunstanburgh w^t the Membres and Appurten'nces and all Manno's Lordshipp's Landes Ten'ts Rents and Services parcell of the Duchie of Lancastr' in the Countee of Northumb'land w^t their appurten'nc's to them and to their Heires for ev'r To the'ntent that the Revenues Profites and Comoditees com'ying and growyng therof may be employed to the p'fourming and Executyng of the last Wyll that his said Highnesse shall make and ordeyn to be doon w^t the same Honours Castells Manno's Landes and Ten'ts and othre P'mysles or w^t the p'fitez Revenuez and Commoditees comyng and growyng of the same and that it be ordeyned by the same auctorite that aftir the same Wyll p'fourmed and Executed or els if his said Highnes declare and make no Wyll conc'nyng the P'misses That then the said Thomas Cardinall Archbishop' Bishopp's Erles William Lord Hastinnes John Lord Dynh'm Maister John Russel Clerc Keper of the Kinges Prive Seale Maister William Dudley Dean of the Kings Chapell Thom's Burgh Knyght William Parre Knyght Thomas Mountgomery Knyght Maister John Gunthorp Clerc Richard Fowler and William Hufe be and stand seased and feofes of and in the said Honours Castells Lordshippis Mannours Landes Ten'ts and other the P'misses to th' use of his Highnes and his Heires and that it be Ordeyned and Establihed by the said advyse assent and auctorite that all the same Honno's Castells Lordshipp's Mannours Landes Ten'ts and other the P'mysles w^t their appurten'nc's and stand be contynue and remayne in the Possession of the said Thomas Cardinall Bishopp's Erles William Lord Hastyns John Dynham Maister John Russel Clerc Keper of the Kings Prive Seale Master William Dudley Dean of the Kings Chapell Thomas Burgh Knyght William Parr Knyght Thomas Mountgomery Knyght Maister John Gunthorp clerk Richard Fowler and William Hufe parcell of the Duchie of Lancastr' and be called reputed and taken parcell thereof havyng and usyng all libertees freedom's franchisees Profitz Com'oditees and avayles as have been had and used in the same and that all Officers and Gov'rnors of the said Duchie stand remayn and abyde Officers and Gov'rnors thereof havyng such Astate and Int'esse therein as they nowe have usyng occupieng and exercisyng their said Offices w^t all the fees wages p'fitez and avayles p'teyning and belongyng to the same and every of theym as they dyd and had and might have had and doon afore the making herof and that all Leses and Demises Grauntes and Offices fees Annuytees p'sentac'ons and Advousons be made from hensforth duryng the Lyf of our said Souv'ain Lord in his own name by warrant from his Highnes and under the Seal of his said Duchie nowe being the Seale there-

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thereof as it hath been used and Accustomed in tyme past and that it be ordeyned by the said Auctorite that the said Thomas Cardinall Bisshoppes Erles William Lord Hastings John Lord Dynham Maister John Russel Clerc Keper of the Kynges Pryve Seale Maister William Dudley Dean of the Kings Chapell Thomas Burgh Knyght William Parre Knyght Thomas Mountgom'y Knyght Maister John Gunthorp Clerc Richard Fowler and William Huse and the Lengest Lyvyng of them have possede holde and enjoye all the Premysse to theym and their Heires to thentent and behove abovesaid any Lefe Graunt or other thing had made or doon of or in the Premysse or any Pt thereof by oure said Sovaine Lord in his Lyf or any of the said Officers in his Name notwithstanding and that all Officers and Gouvernors of and in the same the tyme of the dying of our said Sovaine Lord stoud remayn and abide Officers and Gouvernors according to their Title and Intesse in them and that from henceforth all Leses Demises Grauntes of Offices fees Annuities presentations and Advowsons to be made in the Names of the said Thomas Cardinall Bisshoppes Erles William Lord Hastings John Lord Dynham Maister John Russel Clerc Keper of the Kynges Pryve Seale Maister William Dudley Dean of the Kings Chapell Thomas Burgh Knyght William Parr Knyght Thomas Mountgomery Knyght Maister John Gunthorp Clerc Richard Fowler and William Huse or the lengest levying of them by warrant under the Seale of the said Duchie and that ev'y such Lefe Demise Graunt and Presentacion made under the said Seale be as good effectual and available in the Lawe as though it were made by the seid Thomas Cardinall Bisshoppes Erles William Lord Hastings John Lord Dynham Maister John Russel Clerc Keper of the Kings pryve Seale Maister William Dudley of the Kings Chapell Thomas Burgh Knyght William Parr Knyght Thomas Mountgomery Knyght Maister John Gunthorp Clerc Richard Fowler and William Huse under their Seales Savyng to *Elizabeth* Quene of Englund such right Title and Intesse in and of the Premysse as Shee hath in the same or any part therof Savyng also to all other the Kynges Liege People such Title Right Accion and Intesse in and of the Premysse as they shuld have had if this Act had not be made and over this it is Ordeyned by the said Auctorite that if eny of the seid feoffes dye or make astate in or of eny of the Premysse that than all S'vices and Rents due to the King or to eny of the said feoffes by reason or cause of eny of the Premysse afore the makyng of this Acte be of like Effect and Condit'ion as this Act had never been made as in the seid Act playnly apperith Be it enacted Ordeyned and Establysshed by thadvise and assent of the Lords Sp'uels and Temp'els and Comm'dns in this present Parliament Assembled and by auctorite of the same that the said Acte and Every thyng therein conteyned be fro the xxj Day of August last past voided Repelled annulled and of noon effect And over that by the same Auctorite the King oure Sovaine Lord have holde enjoye and

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and possede fro the said xxi Day of August to hym and his Heires forevermore All Honours Castells Lordshippes Mannours Landes Tenements Rents Reversions Services Possessions and other Hereditaments with their Appurtenances in the said Acte conteyned and the Counte Palatyne of Lancast' and all Honours Castells Lordshippes Mannours Landes Tenements Rents Reversions Services Possessions and other Hereditaments with their Appurtenances that weer parcell of the said Duchie of Lancast' and in the Handes or Possession of the said *Edward* late King of Englonde the iiijth day of Marche the furste yere of his Reigne or eny tyme after or in the Handes or possession of *Richard* the Thirde late in dede and not of right King of Englonde any tyme duryng his Reigne w^t all Liberteis freedoms franchises and other thinges as well to the said Counte Palatyne or to eny other of the P^rymysse apperteyning or belongyng and to be Governed by like Officers and use like Seales as afore tyme have ben u^sed and Accustomed in as ample and large mann^r and in like manner and fourme and Condi^con separate from the Corone of England and Possession of the same as *Henry* the iiijth *Henry* the vth *Henry* the vjth the Kinges Nobles Progenitors late Kynges of this Roy^{me} or the said *Edward* late King had and held or any of the said Kings had or held any Acte Statute before this made in anywise notwstondyng and that every free Ten^{nt} Receivour Baillyf Reve fermour and other officer and Minister of the said Duchie be severally charged and chargeable to oure said Sov^aine Lord of all such Receipts and Som^ses of Money in which he or they weer charged or chargeable unto the said late Kinges *Edward* or *Richard* or either of theym by reason of the said Duchie not content ne payed to the said Kinges or either of them nor to their Officers having Authorite to receive the same ne by the said Kinges discharged by L^res of Pardon under the Seale of the said Duchie Billes Tailles Assignments or Graunts before the said xxj Day of August and He to have and use like Remedie for the Recovre of the same as the said late Kinges or either of them had or myght have had and the Defendants like Answeres as they had or myght have had for their discharge in of and for the same and that all Offices of the said Duchie which require actuell Exercise Graunted by our said Sov^ain Lord the King before this p^sent Act to any P^sone or P^sones be as effectual and available to the same Grauntes and they to have and Enjoye their Offices accordyng to the Tenor of their Graunts and L^res Patents as if the Grauntes were made unto them by oure seide Sov^aine Lord aftir this p^sent Act and all other Graunts made or to be made to any P^sone yevyng Authorite to hym to make or depute any Officer or Officers of the said Duchie be utterly voide and of noon effect Savyng to all the Kings Liege People other than the said Cardinall and other w^t hym above named and their Heires claymyng by the said Act and the Heires of the said late Kinges *Edward* and *Richard* such Title Right Accion and Intresse as they had or should have had if this p^sent Act had not

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not been made and that it be ordeyned Enacted and Establiſhed by the ſaid Advice aſſent and Auctorite that the King our Souv'ain Lord have hold enjoye and poſſede to hym and his Heires forever more from the ſaid xxj Day of Auguſt the Duchie of Cornewale and all Honours Caſtells Lordſhipps Mannours Landes Tenements Rents Rev'ſions Services Poſſeſſions Advouſons and other Hereditaments w^t all the Membres and Appurten'nc's belongyng and apperteyning to the ſaid Duchie or were perteynyng annexed reputed or taken parcell of the ſame any tyme of the Reigne of Henry the vith Edward the iiijth late Kinges of Englonde In as ample and large manner w^t all Liberties and franchiseſes and other things to the ſame belongyng in like manner fourme and Condi'ion as the ſeid Kynges or either of theym had occupied uſed and enjoyed in the ſame any tyme duryng their ſeid Reignes And that by the ſame Auctorite it be Ordeyned and Enacted that our ſaid Souv'ain Lord have holde poſſede and Enjoye to hym and his Heires forever more Titerldome Honno^r and Lordſhipp^r of Richemond otherwiſe called Richemont and all Caſtells Townes Lordſhipps Man'ors Landes Ten'ts Rents Rev'ſions Services Advouſons Poſſeſſions and other Hereditaments which John late Duke of Bedford or Edmond Erle of Richmond Fadre to oure ſaid Souv'ain Lord or either of them had w^t all Membres Franchiseſes Liberties and other Things Appurten'nc's of the ſaid Erldom Honnour or Lordſhipp or in anywiſe p'teynyng or belongyng or were p'teynyng or belongyng to the ſame In as ample wiſe and like manner fourme and Condi'ion as the ſaid late Duc or Erle or either of them had and alſo have take holde poſſede and Enjoye to hym and his Heyrs for ev'more the Baronye Lordſhipp and Mannour of Kendall and Mannour and Lordſhipp of Weresdale and all Lands Ten'ts Rents Services Reverſions Poſſeſſions Advowſons and other Hereditaments w^t the Membres of the ſame in the Countees of Lancaſtr^r Weſtm'land and York which the ſaid John late Duc of Bedford or Edmond Erle of Richmond fadr^r to our ſaid Souv'ain Lord or either of them had w^t all liberties franchiseſes and other things p'teynyng or belongyng to the ſame In as ample wiſe and like manner fourme and Condi'ion as the ſaid late Duc or Erle or either of them had Saving to Margaret Counteſſe of Richemond Moder to our ſaid Souv'ain Lord ſuch Right Title and Int'eſſe in and of the Premiffes as ſhe hath or ought to have in the ſame or eny parte therof Savyng alſo to al other the Kinges Liege People other than ſuch as have or had any thyng or Int'eſſe in and of the Premiffes or any part of them by any of the ſaid Kinges Henry the vjth or Edward the iiijth ſuch Right Title Clayme and Int'eſſe as they have or ought to have if the ſaid Actes had not be made And that it be Ordeyned by the ſaid Auctorite that all Graunts of Offices of eny of the ſeid Poſſeſſions made and graunted by our ſaid Souv'aine Lord by L'ters Patentz to any P'ſone or P'ſones before this preſent Act be as good effectuall and available unto the Grauntes

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according to the Tenor of the same Graunts and Letters Patentz as if the said Grants and L^{res} Patentz had be made unto them after this present Act Provided alwey that this p^{nt} Act ne any Act made or to be made in this p^{sent} Parliament be not in enywise hurtfull and p^judiciall to the Abbot of the Monastie of our Lady Saint Mary w^{out} the Walles of the Cite of Yorke ne to the Convent of the same ne to their Successors touchyng any Landes Ten^{ts} or Hereditaments now being in the Possession of the same Abbot the which were at any tyme parcell of the foresaid Duchie of Lancastr^r And also it be Ordeigned and Establisshed by the said Auctorite that whansoever our said Sovereign Lord by the Grace of God have first a Sonne of his Body laufully begotyn that the same Sonne and Prince have and Enjoy the said Duchie of Cornwaile with all the Honours Castellis Maners Londys Tenements and other Possessions belonging to the same in as ample and large fourme and man^{er} as any Prince first begotyn Sonne of any Kyng hath hadde or Enjoyed afore this, This Acte or eny thyng therein conteyned notwithstanding Tenor vero cedula sequitur sub hac serie verbor^r Provided alwey that any Acte of Resumpcion or eny other Acte made or to be made in this present Parliament be not in any wise hurtfull ne prejudiciall to oure wel beloved Cosyn Cecile Duchesse of York ne to the hurt ne voidyng to or of eny L^{res} Patentz made to the same Duchesse ne extende ne Touche to the hurt or prejudice of her into or of eny Castellis Lordshippes Maners Londes Tenements and Possessions or eny P^{cell} of theme the which the same Duchesse hadde and possessed the last Day of the Reign^r of Kyng Edward the fourth Que quidem Billa cum Cedula Coibz in d^{co} Parlamento existen^r transportata fuit Cui quidem Bille ijdem Com^{unes} Assensum suum p^buerunt in forma Sequenti A Cest bille les Co^{enz}ount assentz Cedula predict^e ijdem Co^{es} Similiter assensum suum derunt Sub hijs Verbis A Cest Cedula les Co^{enz}ount assentuz Quib^z quidem Billa Cedula et assensu coram D^{no} Rege in Parlamento p^dco lectis Auditis et plenius intellectis de Avisamento et assensu Dnor^r Sp^ualiu^r et Temporalu^r in d^{co} Parlamento similiter existen^r ac Coitatis p^dce. necnon auctoritate ejusdem eisdem Bille et Cedula Respondebatur sub eo qui Sequitur tenore verbor^r Le Roy le voet en toutz pointz.

CAP. XIX.

The penalty for decaying of Houses of Husbandry, or not laying of convenient Land for the maintenance of the same.

Houses of
Husbandry.

ITEM, the King our Soueraigne Lord, hauing a singular pleasure aboue all things to auoide such enormities and mischiefs, as bee hurtfull and preiudiciall to the common weale of this his land and his subiects of the same, remembreth that
among

among all other things great inconueniences daily doe increase by desolation and pulling downe, and wilfull waste of houses and townes within this Realme, and laying to pasture lands, which customably haue bene vsed in tillage, whereby idlenesse, which is the ground and beginning of all mischiefes, daily doth encrease. For where in some townes two hundred persons were occupied and liued by their lawfull labours, now there are occupied two or three heardmen, and the residue fall into idlenesse, the husbandrie which is one of the greatest commodities of this Realme is greatly decayed, Churches destroyed, the service of God withdrawen, the bodies there buried not prayed for, the Patrons and Curates wronged, the defence of this land against our enemies outward, feebled and impaired, to the great displeasure of God, to the subversion of the pollicie and good rule of this land, if remedie be not provided: Wherefore the King our Soueraigne Lord by the aduice of the Lords spirituall and temporall, and the Commons in this said Parliament assembled, and by authority of the same, hath ordained, enacted and stablished, that no person, of what estate degree or condition that he be, that hath any house or houses, that at any time within three yeers passed, hath bene or that now is, or that hereafter shall be lette for ferme with xx. acres of land at least, or more, lying in tillage and Husbandrie, that the owner and owners of euery such house or houses and land, doe keepe sustaine and maintaine houses and buildings vpon the said ground, and land conuenient and necessarie for maintaining and vpholding of the saide tillage and Husbandrie. And if any such owner or owners of any such house or houses and land, take land and occupie any such house or houses, and keepe in his or their own hands, that the said owner or owners by the said authoritie be bound in like wise to keepe and maintaine houses and buildings vpon the saide ground and land conuenient and necessarie for the maintaining and vpholding of the saide tillage and Husbandrie. And if any man doe contrary to the premisses or any of them, that then it be lawfull to the King, if any such lands or houses be holden of him immediately, or to the Lords of the Fees, if any such lands be holden of them immediately, to receive yeerely halfe the value of the issues and profits of any such lands, whereof the house or houses be not so maintained and sustained. And the same halfe deale of the issues and profits to have, holde and keepe to his or their owne vse, without any thing therefore to be payed or given, till such time as the same house or houses bee sufficiently builded or repaired againe. And that no manner of freehold be in the King, nor in any such Lord or Lords, by the taking of any such profits, of or in any such lands in no manner of forme: but onely the King and the said Lord or Lords, haue power to take, receive, and haue the said issues and profits, as is aboue saide, and therefore the King or the said Lord or Lords to haue power to distraine for the same issues and profits to be had and perceiued by them, in forme aboue sayde, by authoritie of this present Acte.

Tillage.

Anno tricesimo primo HENRICI Octavi.

AT a Parliament holden at *Westminster* the eight and twentyeth day of *April*, and there continued vntill the eight and twentyeth day of *June* next following:

C A P. XIV.

An act for abolishing of diuersitie of opinions in certaine Articles concerning christian religion.

WHERE the Kings most excellent maiestie is by Gods law supreamed head immediatly vnder him of this whole Church and congregation of *England*, intending the conseruation of the same Church and congregation in a true, sincere and vniforme doctrine of Christs religion, calling also to his blessed and most gracious remembrance, as well the great and quiet assurance, prosperous increase, and other innumerable commodities, which haue euer ensued, come and followed of concord, agreement and vnitie in opinions, as also the manifold perils, dangers and inconueniences, which haue heretofore in many places and regions growne, sprung, and arisen, of the diuersities of mindes and opinions, especially of matters of christian religion: and therefore desiring, that such an vnitie might and should be charitably established in all things touching and concerning the same, as the same to being established might chiefly be to the honour of Almighty God, the very Author and fountaine of all true vnitie and sincere concord, and consequently redound to the common-wealth of this his highnesse most noble realme, and of all his louing subjects and other residents and inhabitants of or in the same hath therefore caused and commanded this his most high Court of Parliament, for sundry and many vrgent causes and considerations, to be at this time summoned, and also a synod and conuocation of all the Archbishops, Bishops, and other learned men of the Clergie of this his realme, to be in like manner assembled.

II. And forasmuch as in the said Parliament, synod and conuocation, there were certaine Articles, matters and questions proponed and set forth touching christian religion, that is to say,

The fixe Articles.

First, *Whether in the most blessed Sacrament of the Altar remaineth after the consecration, the substance of Bread and Wine, or no.*

Secondly, *Whether it be necessary by Gods law, that all men should communicat with both kinds, or no.*

Thirdly, *Whether Priests, that is to say, men dedicat to God by Priesthood, may by the law of God marrie after, or no.*

Fourthly, *Whether vow of chastitie or widowhead, made to God aduisedly by man or woman, bee by the law of God to be obserued, or no.*

Fifthly

Fiftly, *Whether priuat masses stand with the law of God, and be to be used and continued in the Church and congregation of England, as things whereby good christians may and doe receiue both godly consolation, and wholeforme benefits, or no.*

Sixtly, *Whether auricular confession is necessary to be retained, continued, used and frequented in the Church, or no.*

‘ III. The Kings most royall maiestie, most prudently pondering and considering, that by occasion of variable and sundry opinions and iudgements of the said Articles, great discord and variance hath arisen, as well amongst the Cleargie of this his Realme, as amongst a great number of the vulgar people, his louing subiects of the same: and being in a full hope and trust, that a full and perfect resolution of the said Articles, should make a perfect concord and vnitie generally amongst all his louing and obedient subiects, of his most excellent goodnesse not onely commanded, that the said Articles should deliberately, and aduisedly, by his said Archbishops, Bishops, and other learned men of his Cleargie, be debated, argued and reasoned, and their opinions therein to be understood, declared and knowne, but also most graciously vouchsafed in his own Princely person, to descend and come vnto his said high court of Parliament and counsell, & there like a Prince of most high prudence, and no lesse learning, opened and declared many things of high learning and great knowledge, touching the said articles, matters & questio’s for an vnity to be had in the same: Whereupo’ after a great & long deliberat & aduised disputatio’ & co’sultatio’ had and made concerning the said Articles, aswell by the consent of the Kings highnesse, as by the assent of the Lords spirituall and Temporall, and other learned men of his Cleargie in their Conuocations, and by the consent of the Commons in this present parliament assembled, it was and is finally resolved, accorded and agreed in manner and forme following, that is to say,

First, *That in the most blessed Sacrament of the Altar, by the strength and efficacie of Christs mighty word. (it being spoken by the Priest) is present really under the forme of bread and wine, the naturall body and blood of our Sauour Iesu Christ, conceived of the Virgin Mary: and that after the consecration there remaineth no substance of Bread or Wine, nor any other substance, but the substance of Christ, God and man.* Sacrament.

Secondly, *That the Communion in both kinds is not necessary for the salutem by the law of God to all persons: and that it is to be belieued and not doubted of, but that in the flesh under the forme of bread, is the very blood, and with the blood under forme of wine, is the very flesh as well apart as though they were both together.* Ad Communion.

Thirdly, *That Priests, after the order of Priesthood receiued, as afore, may not marrie by the law of God.* Marriage:

Fourthly, *That vowes of chastitie, widowhead, by man or woman made to God aduisedly, ought to be obserued by the law of God: and that*

that it exempteth them from other liberties of Christian people, which without that they might enjoy.

Private masses. Fifthly, That this is meete and necessary, that private Masses be continued and admitted in it the Kings English Church and Congregation, as whereby good Christian people, ordering themselves accordingly, do receive both godly and goodly consolations and benefits: and it is agreeable also to Gods law.

Auricular confession. Sixtly, That auricular confession is expedient and necessary to be retained and continued, used and frequented in the Church of God.

‘ IV. For the which most godly studie, paine and trauell of
 ‘ his maiestie, and determination and resolution of the premisses,
 ‘ his humble and obedient subiects, the Lords spirituall and
 ‘ temporall, and the commons in this present Parliament assembled, not onely render and give vnto his highnes their most
 ‘ high and hearty thanks, & thinke themselves most bound to
 ‘ pray for the long continuance of his Graces most royal estate,
 ‘ but also being desirous that his most godly enterprise may be
 ‘ well accomplished and brought to a full end and perfection,
 ‘ and so established, that the same might be to the honor of
 ‘ God, and after to the common quiet, vnitie, and concord to
 ‘ be had in the whole body of this realme for ever: most
 ‘ humbly beseechen his royal majesty, that the resolution and
 ‘ determination aboue written of the said Articles, may bee
 ‘ established and perpetually perfected by authority of this present Parliament:’ It is therefore ordeined and enacted by the
 King our Souereigne Lord, the Lords spirituall and temporall,
 & the Commons in this present parliament assembled, and by
 authority of the same, That if any person or persons within
 this Realme of *England*, or any other the kings dominions,
 after the xii. day of *Iuly* next comming, by word, writing, im-
 printing, ciphering, or in any otherwise, doe publish, preach,
 teach, say, affirme, declare, dispute, argue, or hold any opinion,
 that in the blessed Sacrament of the Altar, vnder the
 forme of bread and wine (after the consecration thereof) there
 is not present really, the naturall body and blood of our Saviour
 Jesu Christ, conceived of the Virgin *Mary*, or that after the
 said consecration there remaineth any substance of bread or wine,
 or any other substance but the substance of Christ, God and
 man: or after the time aboue said, publish, preach, teach, say,
 affirme, declare, dispute, argue or hold opinion, that in the
 flesh, vnder forme of bread is not the very blood of Christ: or
 that with the blood vnder the forme of Wine, is not the very
 flesh of Christ, aswel apart as though they were both together:
 or by any the means abouesaid, or otherwise, preach, teach,
 declare or affirme the said Sacrament to be of other substance
 than is abouesayd, or by any means contemne, depraue or
 despise the said blessed Sacrament: that then euery such person
 and persons so offending, their aiders, comforters, counsellors,
 consentors and abettors therein, being thereof convicted in forme
 vnderwritten by the authority abouesaid, shall be deemed &
 ad-

Printing.

Teach.

Opinions.

adjudged heretikes. And that euery such offence shall be iudged manifest heresie: and that euery such offender and offenders shall therefore haue and suffer iudgement, execution, paine and paines of death, by way of burning without any abiuration, Clergie or Sanctuary, to be therefore permitted, had, allowed, admitted or suffered: and also shall therefore forfeit and lose to the Kings highnes, his heires & successors, all his or their honors, manors, castles, lands, tenements, rents, reuerfions, seruices, possessions, & all other his or their hereditaments, goods and chattels, farmes and freeholds, whatsoever they be, which any such offender or offenders shall haue at the time of any such offence or offences committed or done, or at any time after, as in cases of high treason.

V. And furthermore be it enacted by the authoritie of this present Parliament, that if any person or persons, after the said xii. day of *July*, preach in any sermon or collation, openly made to the Kings people, or teach in any common schoole, or to other congregation of people, or being called before such iudges, and according to such forme of the law, as hereafter shal be declared, do obstinately affirme, vphold, maintaine or defend, that the communion of the said blessed Sacrament in both kinds, that is to say, in forme of bread and also of wine, is necessary for the health of mans soule, to be giuen or ministred, or ought or should be given or ministred to any person in both kinds: or that it is necessary so to be receiued or taken by any person (other than by Priests being at masse, and consecrating the same:) or that any man after the order of Priesthood received, as aforesaid, may marry and may contract matrimony; or that any man or woman, which aduisedly hath vowed or professed, or should vow or professe chastitie or widowhead, may marry, or may contract matrimony: or that priuate masses be not lawful or not laudable, or should not be celebrated, had, nor vsed in this realme, nor be not agreeable to the lawes of God: or that auricular confession is not expedient and necessary to be receiued and continued, vsed and frequented in the Church of God: or if any Priest after the said xii. day of *July*, or any other man or woman which aduisedly hath vowed, or after the said day aduisedly do vow chastitie or widowhood, do actually marry or contract matrimony with any person, that then all and euery person and persons, so preaching, teaching, obstinately affirming, vpholding, maintaining or defending, or making marriage or contract of matrimony as is aboue specified, be and shal be by authority aboue written, deemed and iudged a felon and felons. And that euery offender in the same being therefore duly conuicted or attainted by the lawes vnder written, shall therefore suffer paines of death as in cases of felony, without any benefit of Clergie, or priuiledge of Church or Sanctuary to him or her to be allowed in that behalfe, and shall forfeit all his or her lands & goods as in cases of felony. And that it be lawful to the patron or patrons of any maner of benefice, which any such offender at the time of his said conuiction or

Heretikes.

Burning.

Preach.

Marriage.

Felonie.

Clergie.
Sanctuary.

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attainder had, to present one other Incumbent thereunto, as if the same person so convicted or attainted, had been bodily deceased.

Opinions.

VI. Also bee it enacted by the authoritie aforesaid, That if any person or persons after the said twelfth day of *July*, by word, writing, printing, ciphering, or otherwise then is aboue rehearsed, publish, declare, or hold opinion, that the said communion of the bleis'd Sacrament in both kinds aforesaid, is necessary for the health of mans soule to bee given or ministred in both kinde, and so ought or should bee given and ministred to any person, or ought or should bee so in both kinde received or taken by any person, other than by Priests being at Masse, and so consecrating the same as is aforesaid: or that any man after the order of Priesthood receiued as is aforesaid, may marrie or may make contract of matrimonie: or that any man or woman which aduisedly hath made or shall make a vow to God of chastitie or widowhood, may marrie, or may make contract of matrimony: or that priuate Masses be not lawfull or not laudable, or should not be celebrated, had, or vsed, nor be agreeable to the lawes of God: or that auricular confession is not expedient and necessary to be reteined and continued, vsed and frequented in the Church of God every person being for any such offence duely conuicted or attainted by the lawes vnderwritten, shall forfeit and lose to the King our Soueraigne Lord all his goods and chattels for euer, and also the profits of all his lands, tenements, annuities, fees and offices during his life, and all his Benefices and Spirituall promotions shall be vtterly voyd, and also shall suffer imprisonment of his body at the will and pleasure of our said Soueraigne Lord the King. And if any such person or persons being once conuict of any the offences mentioned in this Article as is abouesaid, doe afterward estioones offend in any of the same, and be thereof accused, indicted or presented, and conuict againe by authority of the lawes underwritten, that then every such person and persons so being twice conuict and attainted of the said offences, or of any of them, shall be adiudged a felon and felons, and shall suffer iudgement, execution and paines of death, losse and forfeiture of lands and goods, as in cases of felonie, without any priuiledge of Clergie, or Sanctuary to be in any wise permitted, admitted or allowed in that behalfe.

Forf.

Imprison.

Second offence.

Felonie.

Priests.

Marriage.

VII. Be it further enacted by the authority abouesayd, That if any person, which is or hath been a Priest before this present Parliament, or during the time of Session of the same, hath married and hath made any contract of matrimony with any woman, or that any man or woman which before the making of this Act, aduisedly hath vowed chastity or widowhood before this present parliament, or during the Session of the same hath married & contracted matrimony with any person, that then every such marriage and contract of matrimony shal be vtterly void and of none effect. And that the ordinaries, within whose Diocesse or Jurisdictions the person or persons so married or

con-

contracted, is or be resident or abiding, shall from time to time make separation and divorces of the said marriages and contracts. Divorces.

VIII. And further it is enacted by the authoritie aforesaid, That if any man which is or hath been Priest as is aforesaid, at any time from or after the said twelfth day of *July* next coming, doe carnally keepe or vse any woman to whom hee is or hath been married, or with whom he hath contracted matrimony, or openly be conuersant, keepe company or familiaritie with any such woman, to the euill example of other persons, euery such carnal use, copulation, open conuersation, keeping of company and familiaritie, be and shal be deemed and adiudged felony, as well against the man as the woman, and that euery such person so offending, shall be enquired of, tried, punished, suffer, lose and forfeit all and euery thing and things as other felons made and declared by this Act, and as in case of felony as is aforesayd. Priestes.
Lecherie.
Felonie.

IX. Be it also further enacted by the authoritie aforesaid (not giuing aduantage or detriment to any article afore rehearsed) that if any man which is or hath been Priest, or hereafter shall be, at any time after the said twelfth day of *July*, do carnally vse and accustome any woman, or keepe her as his concubine, as by paying for her boord, maintaining her with money, array, or any other gifts or meanes, to the euill example of other persons, that then euery such offender being thereof duely conuicted or attainted by the lawes mentioned in this Act, shall forfeit and lose all his goods and chattels, Benefices, Prebends, and other Spirituall promotions and dignities, and also shall haue and suffer imprisonment of his body at the Kings will and pleasure. And that euery of the said Benefices, Prebends, and other promotions and dignities, shall be to all intents and purposes vtterly void, as if the said offender had resigned or permuted. And if any such offender or offenders at any time after the said conuiction or attainder, estfoones commit, doe, or perpetrate the said offences or any of them next afore rehearsed, and be thereof duely conuicted or attainted by the lawes aforesaid, that then all and euery such offence and offences shall be deemed and adiudged felony, and the offender and offenders therein shall suffer paines of death, and lose and forfeit all his and their goods, lands, and tenements, as in cases of felony, without hauing any benefit of Clergie or Sanctuary. Forf.
Felonie.

X. And be it further enacted by the authoritie aforesaid, That those women, with whom all and singular the foresayd Priests shall in any of the foresaid wayes haue to doe with, or carnally know as is aforesaid shall haue like punishment as the Priests. Women.

XI. And be it further enacted by the authority abouesaid, That if any person or persons at any time hereafter contemne or contemptuously refuse, denie or abstaine to bee confessed at any time commonly accustomed within this Realme and Church of *England*, or contemne or contemptuously refuse, denie or abstaine Refuse.

absteine or receiue the holy & blessed Sacrament abouesayd, at the time commonly vsed and accustomed for the same, that then euery such offender being thereof duely convicted or attained by the lawes vnderwritten, shall suffer such imprisonment and make such fine and ranfome to the King our Souereigne Lord. and his heirs, as by his highnesse or by his or their counsell shall be ordered and adiudged in that behalfe. And if any such offender or offenders at any time or times after the said conuiction or attainer so had, doe estfoons contemne or contemptuously refuse, denie or absteine to be confessed, or to bee communicate in maner and forme aboue written, and be thereof duly conuicted or attained by the lawes vnderwritten, that then every such offence shall bee deemed and adjudged felonie, and the offender or offenders therein shall suffer paines of death, and lose and forfeit all his and their goods, lands and tenements, as in cases of felony.

Felonic.

Commissions.

Wales.

Bishops.

XII. And for full and effectuall execution of the premisses before deuised, ordeined and enacted by this Act: Be it furthermore enacted by the authority of this present Parliament, that immediately after the said twelfth day of *July* next comming, sundry Commissions shall be made from time to time, into euery shire of this Realme and Wales, and in and to such other places within the Kings dominions, as shall please his majesty to be directed to the Archbishop or Bishop of the Diocesse, and to his Chancellor or Commissary, and to such other persons as shall bee named by his highnesse, or by such other as his majesty at his pleasure shall appoint to name the same: which Archbishops or Bishop, his Chancellor or Commissary and other persons so to be named, or three of them at least, whereof the Archbishop or Bishop, or his Chancellor or Commissary to be one, shall hold and keepe their Sessions within the limits of their Commission foure seuerall times of the yeere at the least, or oftner if they shall thinke it expedient by their discretions, and shall haue power and authoritie by vertue of this Act, and their said Commission, as well to take information and accusation by the oaths and depositions of two able and lawfull persons at the least, as to inquire by the oaths of twelve men, of all and singular the heresies, felonies, contempts and other offences aboue written, committed, done or perpetrate within the limits of their Commission. And that euery such accusation and information containing the matter, names, surnames, and dwelling places of the offenders, and the day, yeere, place and Countie when and wherein their offences were committed, shall be of as good force and effect in the law, as if the matter therein contained had been presented by verdict of twelue men.

XIII. And neuerthelesse it is further enacted, That euery of the said Archbishops and Bishops, & euery of their Chancellors, Commissaries, Archdeacons and other ordinaries hauing any peculiar Ecclesiasticall iurisdiccions within this Realme or in *Wales*, or in any other the Kings dominions, shall haue full power and authoritie by vertue of this Act, as well to enquire in

in their visitations and Senis, as there and elsewhere within their iurisdiccions, at any other time or place, to take accusations and informations as is aforesaid, of the heresies, felonies, contemptes and offences aboue mentioned, done, committed or perpetrated within the limits of their iurisdiccions and authorities. And that every such accusation, information and presentment so taken or had as is aforesaid, shall be of as good force, and effect, as if the matter therein contained had been presented before the Justices of peace in their Sessions. And also that Justices of peace in their Sessions, and every Steward, Understeward, and deputie of Steward of any Leete or Lawday, in their Leete or Lawdayes shall haue like power, and authoritie by vertue of this Act, to enquire by the oaths of twelue lawfull men, of all and singular the heresies, felonies, contemptes and other offences aboue written, done, perpetrated or committed within the limits of their Commissions and authorities.

Visitations.

Justices of P.

XIV. And it is also enacted by the authoritie aforesaid, That every such person or persons afore whom any presentment, information, or accusation shall be made and taken as is aforesaid, shall examine the accusers what other witnesse were by and present at the time of doing and committing of the offence whereof the information, accusation or presentment shall be made, and how many other then the accusers have knowledge thereof. And shall haue power and authoritie to binde by recognizance to be taken afore them, as well the said accusers as all such other persons whom the same accusers shall declare to haue knowledge of the offences by them presented or informed, every of them in fine pounds to the king our Souereigne Lord, to appeare before the Commissioners afore whom the offender or offenders shall bee tried at the day of the triall of such offenders.

Recog.

XV. And that all and singular indentures, Presentments, Accusations, informations and Recognizances taken and had as is aforesaid, within twenty days next after the taking of the same, shall be certified in due forme by writing vpon parchment by the taker or takers thereof, vnder his or their seals vnto any of the said Commissioners, to be appointed as is aforesaid, within the limits of whose commission the heresies, felonies contemptes and offences, whereof any such presentment, indictment, information or accusation shall be taken or had, as is aboue written, shall bee committed, done and perpetrated. And if any person or persons which hereafter shall happen to take any such accusation, information, presentment or recognizance as is abouesaid, do make default of the certificate thereof contrarie to the forme aboue rehearsed, that then every person and persons so offending, shall forfeit to our Souereigne Lord the King for every such default, ten pounds.

Informations.
Accusations.

Certificate.

XVI. And it is further enacted by the authority abouesaid, that the said Commissioners or three of them at the least as is abouesaid, by vertue of this Act and their Commission, shall haue full power and authoritie to make like proceffe against every

Proceffe.

every

every perion or persons, indicted, presented or accused, in forme as is aboue remembred, as is vsed and accustomed in cases of felonie, and that as well within the limits of their commission, as into all other shires and places of the realme of *Wales*, and other the Kings dominions, as well within liberties as without, and the same proceffe to be good and effectuell in the law as in cases of felonie. And vpon the appearance of any of the offenders, shall haue full power and authoritie by vertue of this act, and the said commission to here and determine the forsaide heresies, felonies, contempts or other offences, according to the lawes of this realme, and the effects of this Act.

Commiff.

XVII. And it is also enacted by the authority abouesayd, that euery of the said commissioners vpon any such accusation, presentment or information, shall endeavour himselfe effectually, without affection, dread or corruption, to apprehend and take the offenders, and after the apprehension of any such offender or offenders, shall haue full power and authority to commit them to ward. And that the said Commissioners, or two of them at the least, shall haue full power and authority to let any person or persons so accused or presented, vpon sufficient sureties by their discretions, to baile for their appearance to be tried according to the tenor, forme and effect of this act.

XVIII. And further it is enacted by the authoritie abouesaid, That if any person or persons which hereafter shall be named and assigned to be commissioner or commissioners as is aboue said, be accused, indicted or presented, of or for any the offences aboue written, that then all and euery such commissioner or commissioners, so accused, indicted and presented, shall be examined, put to answere, and tried of, and vpon any such offence, according to the tenor and effect of this act, before such other person or persons as it shall please the Kings highnesse to name, assigne and appoint by his gracious Commission to heare and determine the same.

Challenge.

XIX. And it is further enacted by the authoritie abouesaid, That no person or persons which at any time hereafter shall be accused, indicted or presented as is abouesaid, shall be admitted to the challenge of any person or persons, which shall be impanelled for the triall of his or their offence for any matter or cause, other then for malice or enmitie, which challenge shall forthwith be tried in like manner as other challenges be vsed to be tried in cases of felony.

Forreine
Pleas.

XX. And it is further enacted by the authoritie abouesaid, That all forreine Pleas triable by the Countrey, which at any time hereafter shall bee pleaded by any person or persons hereafter to be arreigned or put to answere vpon any accusation, indictment or presentment, or for any of the offences aboue specified, or of, or for any of them, shall be tried before the same Commissioners afore whom such person or persons shall be arreigned or put to answere, and by the Jurors that shall trie the said offence or offences without any further respect or delay.

Officers.

XXI. And it is further enacted by the authority abouesaid,
That

That all Maiors, Shiriffes, Stewards, Bailiffes of liberties, gaolers, and other officers and ministers, of what name, degree or condition soeuer they be, and euery of them, shal from time to time truely and diligently receiue, and serue all and all maner the proccesses, precepts and commandments to them or any of them by the said Commissioners, or any of them to be made, given or directed, touching or concerning the premiffes or any parcell therof, & shal from time to time be obedient and attendant vnto the said Commissioners for the time being, for the due execution of this present act, or of any thing therein contained.

XXII. And it is also enacted, That euery person, which shal Commission, be named to be Commissioner in the said Commission, after that he hath knowledge thereof, shal effectually put his diligence & attendance in and about the execution of the said Commission, & before that he shal take vpon him the execution of he same commission, shal take a corporal oth before the Lord Chancellor of *England* for the time being, or before him or vnto whom the said Lord Chancellor shal direct the kings writ of *Dedimus potestatem*, to take the same, the tenor of which is hereafter ensueth.

‘I shall sweare that yee to your cunning, wit and Oath. I will truely and indifferently execute the authority given by the Kings Commission made for the suppression of heretikes and other offenders mentioned in the said Commission, without any fauor, affection, corruption or partialite to be borne to any person or persons,’
As God you helpe and all Saints.

XXIII. And in case that any of the said persons named to Refuse. Commissioners, refuse to take the said oath, or willingly absent or cloine himselfe from the taking of the said oath, then euery such person so offending, and the same offence extreated or certified into the kings Exchequer by the said Lord Chancellor, or by him or them to who’ any such writ of *Dedimus potestatem*, as is aforesaid, shall be directed, shall forfeit and loose to our said Soueraigne Lord the King for euery time so offending, five markes of lawfull money. Forfeitt.

XXIV. And it is also enacted by the authority abouesaid, Commission. That the said Commissioners and euery of them shall from time to time haue full power and authority by vertue of this Act to take into his or their keeping and possession, all and all manner of bookes, which be and haue beene, or hereafter shall be set forth, read and declared within this Realme or other the Kings dominions, wherein is or be contained or comprised, any clause, article, matter or sentence, repugnant or contrary to the tenor, forme or effect of this present act, or any of the articles contained in the same: and the said Commissioners or three of them at the least, to burne or otherwise destroy the said bookes or any part of them, as vnto the said Commissioners or vnto

three of them at the least, shall be thought expedient by their discretions.

Parsons shall
reade this Act.
Rightl.

XXV. And it is also enacted by the authority aforesaid, That euery Parson, Vicar, Curate, or parish Priest of euery parish Church within this Realme or other the Kings dominions, or his or their deputy, vpon the *Sunday* next after the first day of *September* next ensuing, and so from thenceforth once in euery quarter of the yeere at the least, shall openly, plainly and distinctly read this present Act in the Parish Church, where he is Parson, Vicar, Curat, Parish Priest or deputy, vnto his or their parishioners then assembled together to heare diuine Seruice. And that euery such Parson, Vicar, Curat, or Parish Priest, making default of reading this Act contrary to the forme aforesaid, shall forfeit vnto our said Souereigne Lord, his heires or successors, for euery such default xl. s. sterling, Sauing to all & singular person and persons, bodies politike and corporate, their heires and successors, and to the heires and successors of euery of them (other then al and singular such person and persons that shall be hereafter conuicted or attainted of, or for any of the offences or contempts aboue specified, their heires and successors, and the heires and successors of euery of them) all such right, title, claime, interest, entree, possession, rents, reuerfions, fees, annuities, commons, offices, profits and demands whatsoever, as they or any of them haue, or then at the time of the said conuiction or attainder, had, shall haue, of, in or to any Honours, Castles, Lordships, Manors, Lands, Tenements, Liberties, Franchises, aduouson and other hereditaments which any such person or persons being so conuicted or attainted, as aforesaid, had or were intituled to haue at the time of their offence or offences committed, or at any time after, and that in as ample maner, forme and condition, to all intents, constructions and purposes, as if this Act had neuer been had or made, any thing contained in this Acte to the contrary in any wise notwithstanding.

Escheats.

Vowe.

XXVI. Prouided alway, That the Lords shall not haue nor claime any Escheats of any offender or offenders that shall bee iudged to be burned by authority of this Act.

XXVII. And because disputations and doubts might perhaps rise hereafter vpon the words in this Act, that is to say, 'Aduisedly made to God.' Be it therefore provided and enacted by authority aforesaid, these words in the Act, that is to say, Aduisedly made to God for vowes of chastity or widowhood, shall bee all onely taken, expounded and interpreted, to bind such person or persons and none other, sauing Priests, to and by the same, which at the time of any of their so vowing, being thereto admitted, were or shall be of the age of one and twenty yeeres or aboue, and then did or doe consent, submit themselves or condescend to the same, and continue or continued in obseruation of it any while after, vnlesse any such person or persons doe or can duely prooue any vnlawfull coercion

Age.

or

or compulsion done to them or any of them for making of any such vow.

Anno tricesimo secundo HENRICI Octavi.

IN the Parliament begun at *Westminster* the twenty eight of *April*, *Anno tricesimo primo HENRICI octavi*, and there holden and afterward continued by diuers prorogations vntil the twelfth day of *April*, *Anno tricesimo secundo*, *HENRICI octavi*. In the last Session thereof begun the said twelfth day of *April*, and there holden vntil the eleuenth day of *May*, and then prorogued vntil the five and twentieth day of the same Moneth of *May*, and then holden and continued vntil the foure and twentieth day of *Iuly*, in the said two and thirtieth yeere of King *HENRY* the 8. at which time it was finished and dissolued.

C A P. XXIV.

An Act concerning the lands and goods of the hospitals of *S. Iohns of Ierusalem* in *England* and *Ireland* to be heereafter in the Kings hands and disposition.

THE Lords spirituall and temporall and the commons in this present Parliament assembled, hauing credible knowledge that diuers and sundry the Kings subjects called Knights of the *Rhodes*, otherwise called knights of Saint *Iohns*, otherwise called Friars of the religion of Saint *Iohn* of *Ierusalem* in *England*, and of a like house being in *Ireland*, abiding in the partes of beyond the Sea, and hauing as well out of this Realme as out of *Ireland* and other the Kings dominions, yeerely great sums of money for maintenance of their liuings, haue vnnaturally and contrary to the dutie of their allegiances, susteined and maintained the vsurped power and authoritie of the Bishop of *Rome* lately vsed and practised within this realme and other the Kings dominions, and haue not onely adliered themselves to the saide Bishop being common enemy to the King our Soueraigne Lord, and to this his realme vntruly vpholding, acknowledging and affirming maliciously and traiterously, the same Bishop to be supream and chiete head of Christs Church by Gods holy word, intending thereby to subvert and ouerthrow the good and godly lawes and statutes of this realme their naturall cuntry, made and grounded by authority of holy Church by the most excellent wisdom, policie and goodnes of the kings maiestie with the whole assent and consent of the realme, for the abolishing expulping and vter extincting of the said vsurped power and authoritie, but also haue defamed and slandered as well the Kings maiestie as the noble men, Prelats and other the Kings true and louing Subjects of this realme, for their good and

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‘ godly

' godly proceeding in that behalfe, haue therefore deeply pondered and considered that like as it is and was a most godly Act of the Kings most royall majestie, and the said Nooble men, Pre'lats, and Commons of this realme, vtterly to expulse and abolish not onely from this realme, but also from other the Kings dominions the said vsurped power and authority of the Bishop of *Rome*, and also the hypocritike and superstitious religions in this Realme, and other the Kings dominions being his members and adherents hauing their originall erection and foundation by the said vsurped authoritie, by expulsiſg whereof Gods holy word necessary for increase of vertue and saluation of christian soules, is not onely purely and sincerely aduanced and set forth, but also the extort exactions of innumerable summes of money, craftily exhausted out of this realme and of other the Kings dominions, by the colour of the said vsurped authoritie is removed and taken away, to the inestimable benefit and commoditie of the Kings louing subjects, so in like maner of wise it should be most dangerous to be suffered or permitted within this realme or in any other the kings dominions, any religion being sparks, ealues, and imps of the said root of iniquitie, considering also that the Isle of *Rhodes*, whereby the said religion took their old name and foundation is surprised by the Turke.

' II. And that it were and is much better that the possessions in this realme, and in other the Kings dominions appertaining to the said religion, should rather be employed and spent within this realme, and in other the Kings dominions, for the defence and suretie of the same, then conuerted to & among such vnnaturall subjects which haue declined not only from their naturall dutie of obedience, that they ought to bear vnto the King their soueraigne Lord, but also from the good lawes and Statutes of this realme, their naturall country, daily doing and attempting priuily, and craftily all that they can to subuert the good and godly policie, in the which thanks be to God and to our most dread soueraigne Lord, this realme and all other the Kings dominions now stand in: In consideration whereof, the said Lords spirituall and temporall, and the commons in this present Parliament assembled, most humbly besecche the Kings most royall Majestie, that it may be enacted by his highnes and by the assent of the Lords spirituall and temporall and the commons in this present Parliament assembled, that the corporation of the said religion, as well within this realme, as within the Kings dominions and land of *Ireland*, by whatsoever name or names they bee founded, incorporated or knowne, shall be vtterly dissolved and void to all intents and purposes. And that sir *William Weston* Knight, now being Prior of the said religion within this realme of *England*, shall not be named or called from hencefoorth Prior of *S. Johns of Ierusalem in England*, but shall be called by his proper name of *William Weston* Knight, without further addition touching the said religion. And that likewise *Iohn Raulen* Knight, now

being

Corporation
dissolved.

being Prior of *Kilmainam* in *Ireland*, shal not be called or named from henceforth Prior of *Kilmainam* in *Ireland*, but onely by his proper name of *Iohn Raufon* Knight without further addition touching the said religion, nor that any of the brethren or confreres of the said religion in this realme of *England*, and land of *Ireland*, shall be called Knights of the *Rhodes*, nor Knights of *Saint Iohns*, but shall be called by their owne proper chrestian names and surnames of their parents, without any other additions touching the said religion.

III. And be it furthermore enacted by authority of this present Parliament, that if the said *William Weston*, or any of his brethren or confreres of the hospitall or house of *S. Iohn of Ierusalem* in *England* now abiding and dwelling within this realme of *England*, or any other person or persons being members professed of or in the saide Hospitall now dwelling within the said realme at any time after the first day of *July* next comming, do vse or weare within this realm or elsewhere, in or vpon any apparell of their bodies any signe, marke or token heretofore vsed and accustomed or hereafter to be deuised for the knowledge of the said religion, or make any Congregations, Chapters or assemblies, touching the same religion, or maintaine, support, vse or defend any liberties, Franchises, or priuileges heretofore granted to the said religion by authoritie of the Bishop of *Rome*, or of the see of the same, that then euery of them so offending, shall incurre and run into the peines, forfeitures, and penalties, ordained and provided by the Statute of prouision and Premunire, made in the sixteenth yeere of King *RICHARD* the second. And if the said *Iohn Raufon* Knight or any his brethren or confreres of the said hospitall or house of *Kilmainam* in *Ireland*, or any other person or persons, being members professed of or in the said hospitall of *Kilmainam*, now abiding and dwelling within the said land of *Ireland* at any time after the last day of *September* next comming doe vse or weare within this realme, or within the said land of *Ireland* or elsewhere, in or vpon any apparell of their bodies, any signe, marke or token heretofore vsed and accustomed, or hereafter to be deuised for the knowledge of the same religion, or make any Congregations, Chapters, or assemblies, touching the same religion, or maintaine, support, vse, or defend any maner of liberties, Franchises, or priuileges heretofore granted to the same by authority of the Bishop of *Rome*, or of the see of the same, that then euery of them so offending shall incurre and run into the peines, Forfeitures and penalties, ordained and provided by the said Statute of prouision and Premunire, made in the said sixteenth yeere of King *Richard* the second.

Markes.

Congregation

Premunire.

Markes.

Premunire.

IV. And be it likewise enacted by the authoritie aforesaid, that if any the Knights or confreres of the said religion being the Kings naturall subjects, which now inhabit, abide and dwell out of any of the Kings dominions, at any time after the first day of *February* next comming, doe offend in any of the Articles or offences next aboue rehearsed that then euery of

them so offending shall incurre and runne into the peines, forfeitures and penalties next aboue remembred.

S. Iohns given
to the King.

Ireland,

Goods.

Reall posses-
sions,

Rights.

V. And be it further enacted by the authoritie aforesaid, that the Kings Majestie his heires and successors, shall have and enjoy all that Hospitall, Mansion house, Church, and all other houses, edifications, buildings and gardens to the same belonging, being next to the Citie of *London* in the Countie of *Middlesex* called the house of *S. Iohns of Ierusalem in England*, and also that Hospitall, Church, and house of *Kilmainam* in the land of *Ireland*, and all and singular Castles, Honors, Manors, Messes, Lands, Tenements, Rents, Reuerfions, Seruices, Woods, Medowes, Pastures, Parks, Warens, libertees, Franchises, priuiledges, Parsonages, tithes, pensions, portions, Knights fees, aduowfons, cominanderies, preceptories, contributions, responsions, rents, titles, entrees, conditions, couenants, and all other possessions and hereditaments, of what natures, names, or qualities soeuer they be, and wherefoever they be or lie within this Realme of *England*, or within the land of *Ireland*, or elsewhere within any the King's dominions, which appertained or belonged to the said religion, or to the Priors, maisters, or gouernors, Knights or other Ministers, professed of or in the same by the pretense or in the right of the said religion. And all and singular goods, chattels, debts, arrerages of rents and farmes, and all other things reall and personall, whatsoeuer they be, whereof or whereunto any of the said Priors, brethren or confieres, or persons professed in the said religion, can haue or claime any particular propertie to their owne proper vse by the rules and Statutes of the said religion, To haue and to hold the premisses and euery of them to our said Soueraigne Lord, and to his heires and successors for euer, to vie and imploy by his most excellent wisdome and discretion, at his owne free will and pleasure. And that his highnesse shall be deemed and adjudged in the reall and actuall possession of the premisses, by vertue and authoritie of this present Act: Saving to all persons and bodies politike their heires and successors, and the heires and successors of euery of them, other then the said Prior of *Saint Iohns of Ierusalem in England*, and the said Prior of *Kilmainam*, in the land of *Ireland*, and the brethren or confieres of euery of them and the successors of euery of them, and all and euery other person or persons of the said religion, and their successors and euery of them, and the successors of euery of them, all such right, Title, Interest, Possession, Leases, Grants, Annuities, Fees, Offices, Corrodies, Reuerfions, Rents and Seruices, Rents, Charges, Commons, Rights, Titles, Entrees, Actions, Pensions, Portions, Petitions, and all other hereditaments, of what names, natures, or qualities soeuer they be, which they haue, should or ought to haue had, if this Acte had neuer bene had nor made, any thing in this Act to the contrary thereof notwithstanding.

VI. Provided alway, and be it enacted by the authoritie of this present Parliament, by the agreement and assent of the Kings

Kings most excellent goodnesse, that the said *William Weston*, Sir W. Weston Annuitie. during his naturall life, shall haue and enjoy to his owne use out of the premisses yeerely one Annuall rent or pension of one thousand pounds to be paid to him or his assignes at the feast of Saint *Michael* the Archangell, and the Annuntiation of our Lady, by euen portions, and also shall haue to his owne vse such reasonable portion of the goods and chattels appertaining to the same religion, as it shall please the Kings maiestie of his most excellent goodnesse to limit and appoint of the same. And that the saide *John Rouson* Knight shall haue and enjoy to his owne vse, out of such possessions as he now hath in *England* and *Ireland*, one Annual pension of five hundred markes, to be paid to him or to his assignes, at the feasts aforesaid by euen portions, and likewise shall haue to his owne proper vse such reasonable portion of the goods of the said religion, as shall please the kings Maiestie of his most excellent goodnesse to limit and appoint for the same. And that *Clement West*, being one of the confreres of the said religion, shall haue and enjoy during his naturall life, one annuite or pension of two hundred pound. Goods. And that *Thomas Pemberton* another of the confreres of the said religion, shall haue and enjoy yeerely during his naturall life, one yeerely pension of fourscore pounds. Sir John Rouson Annuitie. And that *Giles Russell* another of the said confreres, shall haue and enjoy yeerely during his naturall life, one yeerely pension of one hundred pounds. Confreres. And that *George Ailmer* another of the said confreres, shall haue and enjoy yeerely during his naturall life one yeerely pension of one hundred pound. And that *John Sutton* another of the confreres of the said religion shall haue and enjoy yeerely during his life naturall, one yeerely pension of two hundred pound. And that *Edward Beingham* another of the confreres of the said religion shall haue and enjoy yeerely during his naturall life, one yeerely pension of one hundred pound. And that *Edward Browne* another of the confreres of the said religion shall haue and enjoy yeerely during his naturall life one yeerely pension of fiftie pounds. And that *Edmund Hulse*, another of the confreres of the said religion, shall haue and enjoy yeerely during his life naturall, one yeerely pension of one hundred markes. And that *Ambrose Cane* another of the confreres of the saide religion shall haue and enjoy yeerely during his naturall life one yeerely pension of one hundred markes. And that *Thomas Coplelike* another of the confreres of the saide religion shall haue and enjoy during his naturall life one yeerely pension of fiftie pounds. And that *Cuthbert Leighton* another of the confreres of the saide religion, shall haue and inioy yeerely during his naturall life one yeerely pension of threescore pounds. And that *Richard Brooke* another of the confreres of the saide religion, shall haue and inioy yeerely during his naturall life, one yeerely pension of one hundred markes. And that *Henry Poole* another of the confreres of the saide religion, shall haue and inioy yeerely during his naturall life one yeerely pension of two hundred markes. And that *William Tyrrell* another

other of the confreres of the said religion shall haue and inioy yeerely during his naturall life, one yeerely pension of thirty pounds. And that *John Raufon* another of the confreres of the sayde religion, shall haue and inioy yeerely during his naturall life one yeerely pension of two hundred markes. And that *Anthony Rogers*, *Oswald Massingherd*, *James Huse*, *Thomas Thurnell*, *Nicholas Hupton*, *Philip Babington*, *Henry Ierad*, *Dunstan Iudagate*, *Nicholas Lambert*, and *Dauid Gonson*, being confreres professed in the said religion and hauing at this present time no maner of certaintie towards their living, shall haue and inioy euery of them yeerely, one yeerely pension of ten pounds. The said feneral yeerely pensions to be paid at the feasts of Saint *Michasell* the Archangell and the annunciation of our Lady by euen portions as is aforesaid. And ouer this, euery of the said confreres aboue named and mentioned, shall haue to their owne proper vses such reasonable portions of the goods and chattels being in their hands and possessions, appertaining to the said religion, as it shall please the Kings majestie to limit and appoint to euery of them of the same.

VII. And bee it also enacted by the authoritie aforesaid, that if any the Kings subjects being professed in the said religion, bee negligently forgotten or omitted out of this present acte for lacke of knowlege of their names, that yet neuer thelesse euery of them so forgotten, and not now presently named or remembered, shall haue and inioy such honest, conuenient and reasonable yeerely pension and portion of goods as shall please the Kings Majestie to limit and appoint in that behalfe.

VIII. Provided alwayes, that none of the said Priors or confreres of the said religion, shall haue and inioy any of the pensions afore specified, except such of them as be the Kings true and faithful subjects, any thing in this acte to the contrary thereof notwithstanding.

IX. Provided also, and be it enacted by the authority aforesaid, that *John Maplesden* otherwise called *John Mableston* Clerke. Subprior of the said religion of the said Hospitall of S. *John* of *Jerusalem* in *England*, *William Ernsted* Clerke Maister of the Temple of *London*, *Walter Limseie* and *John Winter* Chaplains there, and euery of them shall haue, perceiue, and inioy during their naturall liues all such Mansion houfes, stipends and Wages, and all other profits of money in as large or ample maner, as they or any of them now lawfully haue the same, without let or interruption of the King our Souerayne Lord, his heires or successors, or any other his officers or Ministers, the said Maister and two Chaplens of the Temple doing their duties and seruices there, as they haue accustomed to doe.

X. And be it further enacted by authoritie aforesaide, that the saide *William Weston* and *John Raufon*, and euery of the said brethren or confreres afore named, and the said Subprior and the saide maister of the Temple and two Chaplens, and euery of them, being the Kings true and faithful subjects vpon their reasonable suites and petitions, shall haue sufficient letters patent

Wages.

L. Patents.

rent

ments of the said severall yearly annuities, pensions, manſions, ſtipends and wages, and other profits of money to them limited by authoritie of this act, vnder the Kings great Seale without any fine or fee to be paid to the Kings uſe for the ſame.

XI. And be it further enacted by the authority aforeſaid, that the ſaid brethren or confreres of the ſaid Religion, and all other obediencers being members of the ſaid Religion ſhall bee acquitted and diſcharged of their obedience, that they haue uſed to beare and giue vnto the ſaid *William Weſton*, or to the ſayd *Iohn Rauſon*, or to any other of the ſayd Religion by the ordinances, vſages, rules, or Statutes of the ſaid Religion. And that as wel the ſame *William Weſton* and *Iohn Rauſon*, as the ſayd brethren or confreres of the ſayd Religion called Knights, as is aforeſaid, and euery of them being the Kings ſubjects borne in this Realme of *England* or in the land of *Ireland* or elſewhere, within any the Kings dominions ſhall bee enabled to ſue and bee ſued by their owne ſaid proper names and ſurnames, and haue ſuch capacitie, and other freedome, liberties, and priuiledges to all intents and purpoſes in as large and ample manner, forme, faſhion, and condition, as in the firſt Seſſion of this preſent parliament was ordeined and enacted for religious perſons, any Statutes, Ordinances, Lawes, Cuſtomes, Uſages, or any other thing or things to the contrary thereof in any wiſe notwithstanding.

Diſcharge of obedience.

Sutes.

XII. Provided alſo, and be it enacted by the authoritie aforeſaid, that all priuiledges of Sanctuaries heretofore uſed or claimed in manſion houſes and other places commonly called *Saint Iohns* hold, and all other Sanctuaries heretofore uſed in any place within this Realme, or in *Ireland*, which heretofore hath been belonging to any of the ſaid Hospitals, ſhall ſtand and be vtterly void and of none effect, for or concerning any Sanctuary, priuiledges of Sanctuarie, there to be had or uſed. The priuiledges of common Churches and Churchyards, applied and uſed to Gods ſervice, and burials of Chriſtian people onely excepted.

Sanctuary.

XIII. And be it alſo enacted by authority aforeſaid, that all the ſaid manors, meſes, lands, tenements, and all and ſingular other poſſeſſions, priuiledges, liberties, franchiſes, and other hereditaments, granted to the Kings maieſtie by this Act, ſhall be in the ſuruey, rule, order and gouernance of the Chancellor and other miniſters and officers of the Court of the augmentations of the reuenues of the Kings Crowne in like manner, forme, faſhion, and condition, as the poſſeſſions of the land of the Abbies, Monaſteries or Priories ſuppreſſed or ſurrendered be.

Suruey.

Augmentation.

XIV. And be it alſo enacted by the authority aforeſaid, that all and euery ſuch perſon and perſons as be now confreres of the ſaid Hoſpitall or Hoſpitals, and at this preſent time out of this Realme ſhall before the feaſt of Pentecoſt, which ſhall be in the yeere of our Lord God one thouſand ſiue hundred fortie and one, returne into the ſame, and here perſonally preſent themſelues to Kings Maieſtie, or to the Lord Chancellor of *England*,

land,

land, the Lord Treasurer, the Lord President of the Kings Councell, and the Lord priue Seale, or two of them for the time being at the least, both knowing themselves to be his highnesse true and loyall subjects, and declaring themselves to be content willingly to obserue, keepe and maintaine all the Lawes and Statutes of this Realme, as to good and true subjects apperteineth, or else the same confesse or confres, making default of such his repaire and presentment as is beforesaid, shall in no wise claime and enioy any pencon by vertue of this act, any thing in the same contained notwithstanding, vnlesse the person or persons so making default of repaire and appearance, can shew and declare themselves to haue been detained, or by a necessary meane impeached and letted of their will, purpose, and desire to haue come hither and to haue accomplished the whole contents of this Statute accordingly.

Anno primo EDWARDI sexti.

Statutes made in the Parliament begunne at *Westminster*, the fourth day of *November* in the first yeere of the Raigne of EDWARD the sixt, late King of *England*, &c. and from thence continued to the 24 day of *December* then next ensuing, that is to say in the first Session of the same Parliament as followeth.

C A P. III.

An Act for the punishing of Vagabonds, and for the reliefe of the poore and impotent persons.

‘ **F**Orasmuch as idlenesse and vagabondrie is the mother and
 ‘ roote of all thefts, robberies and all euill actes and other
 ‘ mischiefes, and the multitude of people giuen thereto hath
 ‘ alwayes bene heere within this realme very great, and more
 ‘ in number (as it may appeare) then in other regions, to the
 ‘ great impoucrishment of the Realme, and danger of the Kings
 ‘ highnesse subjects; the which idlenesse and vagabondry all the
 ‘ Kings highnesse noble progenitours, Kings of this Realme,
 ‘ and this high Court of Parliament hath often and with great
 ‘ trauell gone about and assayed with godly Acts and Statutes
 ‘ to repress; yet vntill this our time it hath not had that suc-
 ‘ cesse which hath bene wished, but partly by foolish pitie and
 ‘ mercie of them which should haue seene the said godly lawes
 ‘ executed, partly by the peruerse nature and long accustomed
 ‘ idlenesse of the persons giuen to loytering, the said godly Sta-
 ‘ tutes hitherto haue had small effect, and idle and vagabond
 ‘ persons, being vnprofitable members, or rather enemies of the
 ‘ common wealth, haue bene suffred to remaine and increase,
 ‘ and yet so doe, whom if they should be punished by death,
 ‘ whipping, imprisonment, and with other corporall paine, it
 ‘ were not without their deserts for the example of others, and
 ‘ to the benefite of the common wealth, yet if they could be
 ‘ brought

'brought to be made profitable, and do seruice, it were much
'to be wished and desired:' Be it therefore enacted by the
Kings highnesse, with the consent of the Lords spirituall and
temporal, and the Commons in this present Parliament assem-
bled, and by authoritie of the same; first that all Statutes and
Acts of Parliament heretofore made for the punishment of va-
gabonds and sturde beggars, and all articles comprised in the
same, shall be from hencefoorth repealed, voyd and of none
effect.

II. Secondly, that whosoever after the first day of *Aprill* next
following, man or woman being not lame, impotent, or so aged,
or diseased with sicknesse, that hee or she cannot worke, nor
having lands or tenements, fees, annuities, or any other yeerely
reuenues, or whereon they may finde sufficiently their liuing,
shall either like a seruing-man wanting a master, or like a beg-
ger, or after any such other sort be lurking in any house or
houses, or loitering, or idle wandering by the high wayes side,
or in streetes, cities, townes, or villages, not applying them-
selues to some honest and allowed art, science, seruice, or labour,
and so doe continue by the space of three dayes or more toge-
ther, and not offer themselues to labor with any that will take
them, according to their facultie; and if no man, otherwise
wil take them, do not offer themselues to worke for meate and
drinke, or after they bee so taken to worke, for the space agreed
betwixt them and their master, doe leaue their worke out of
conuenient time, or runne away; that then euery such person
shall bee taken for a vagabond, and that it shal be lawfull for
euery such master offering such idle person seruice and labour,
and that being by him refused, or who hath agreed with such
idle person, and from whom within the space agreed of seruice,
the said loiterer hath runne away, or departed before the ende of
the couenant betweene them, and to any other person espying
the same, to bring or cause to be brought the said person so liuing
idle and loiteringly, to two of the next Iustices of the peace there
resiant or abiding, who hearing the prooue of the idle liuing of
the said person by the said space liuing idle, as before said, ap-
prooued to them by two honest witnesses, or confession of the
partie, shall immediatly cause the same loiterer to be marked
with a hot iron in the breast, the marke of V. and adiudge the
same person liuing so idle, to such presentour, to be his slaue,
to haue and to holde the said slaue vnto him, his executours, or
assignes, for the space of two yeeres then next following, and to
order the said slaues as followeth; that is to say, to take such
person adiudged a slaue with him, and onely giuing the said
slaue bread and water, or small drinke, and such reffuse of
meate as he shall thinke meete, cause the said slaue to worke
by beating, cheining, or otherwise, in such worke and labour
(how vile soeuer it bee) as hee shall put him vnto. And if any
manner of slaue, either for loytering, or for the cause before re-
hearsed so adiudged, shall within the space of the said two yeeres
heere appointed runne away, depart, or absent him from his
said

saide master by the space of fourteene dayes together, without licence: it shall not onely bee lawfull to his said master to pursue and fetch him againe by vertue of this Act, but, also, to punish such faulte by cheines or beating as is aforesaid: and against the deteinour, if any man doe willingly deteine him, knowing him to be a slaue, as is aforesaid, to haue an Action of Trespasse, and recouer thereby in damages tenne poundes, besides the costes and charges of the suite for so deteining his saide slaue. And further, euery such master shewing and proouing by two sufficient witnesses, the saide offence and fault by his running away before two Iustices of Peace of the same Countie, whereof the one to be of the *Quorum*, the same Iustices shall cause such Slave, or loiterer to bee marked on the forehead, or the ball of the cheeke with an hot iron, with the sign of an S. that he may bee knowne for a loiterer and a run away. and shall adiudge the loyterer and run away to be the said masters slaue for euer. And if such slaue shall the second time runne away, or absent himselfe, if the said master shall approoue the same second running away with two sufficient witnesses, before the Iustices of Peace, in their generall and quarterly Sessions then euery such faulte and running away to be adiudged felonie and such loyterer and runne away to be taken as a felon, and thereof being lawfully indited and atteinted, or otherwise, condemned, to suffer paines of death, as other felons ought to doe.

III. Prouided also, and be it enacted by authoritie aforesaid that no Clerke conuicted shall hereafter make his purgation, and vpon such purgation be deliuered, and set at large, otherwite then is in this Statute hereafter expressed.

IV. And be it further enacted by authoritie aforesaid, that euery Clerke conuict, or hereafter to be conuicted, which should by the order of the Law inioy the benefit of their purgation shall and may from hencefoorth finde any man (if hee can) who shall be bounde with two sufficient sureties to the ordinarie, in the summe of twentie poundes to the Kings highnesse vse, to reteine the said conuict as his slaue, and to keepe the said person so conuict for the space of one yeere then next following that he shall not goe abroad, and at larges, and then the said conuict shall be deliuered to the said person so taking the same and being bound, as is aforesaid, to be his slaue for one whole yeere then next following by vertue of this Act, in all such manner and forme, and to all such intents and purposes, and with all such order, lawes, conditions and penalties for running away or otherwise, as is aforesaid of a vagabond taken loytering, and made a slaue (burning in the breast onely except) and the ordinarie by the deliury of the said conuict to such person being bound, as is aforesaid, to be of the keeping of the said conuict cleerely discharged, and exonerated by vertue of this Act.

V. And if so be that the said Clerke so conuict cannot finde any man to be bounde, as is aforesaid, to whom he may be adiudged a slaue in the space of one yeere; then at any time after the ende of one yeere after his conuiction, it shall bee lawfull

ull for the said Clerke conuict to make his purgation, as hee might before this Statute, any thing in this present Act to the contrary notwithstanding.

VI. And when the Clerkes conuicted, or attainted by the order of the Lawes of this Realme, cannot make their purgation, and should perpetually by the same remaine in prison: Be it nevertheless enacted by the authoritie aforesaid, that if there bee any manner of person, who will at any time demand the same Clerke conuicted, or attainted, and be bound to the Ordinarie with two sufficient sureties, as is aboue written, to keepe the same as his slaue by the space of five yeeres then next following, that then the same shall bee adiudged his slaue for like space, with all such orders, lawes & penalties, for running away, and other orders, as is before expressed of a vagabond, adiudged to any man for a slaue, (the burning in the breast onely except) and vpon the adiudgement deliuered to such demandant, the Ordinarie from thensefoorth of the keeping of such Clerke conuicted or attainted, cleerely exonerated, and discharged by vertue of this Act.

VII. And forasmuch as diuers women and men goe on begging wth faring, of the which some bee impotent and lame, and some are able enough to labour, which doe carrie children about with the^m, some foure or five yeeres of age, or yonger or elder, which brought vp in idlenesse might be so rooted in it, that hardly they may be brought after to good thrift and labour: or if any child aboue the age of five yeeres, and vnder the age of fourteene yeeres goe idle and wandering about as a vagabond: Be it enacted by the authoritie aforesaid, that if any manner of person will take any such childe, be it male or female, of, and from any such beggar being the mother thereof, nourisher, or keeper, whether they bee willing or not, or without any such nurse, mother or keeper by himselfe wandering, and bring the said child so taken away before one of the Constables of the parish, and two other honest and discrete neighbours witnesses, and before any Justice of Peace there resident and abiding, and promise to bring the same child vp in some honest labour or occupation, till hee or shee come to the age of twentie yeeres the woman childe, or foure and twentie the man childe: that then and immediately the said Justice of Peace and Constable shall adiudge by vertue of this Act, the said child vnto the ages before specified, to be seruants or apprentices to the said persons so taking & promising to be used and ordered in all points according as the Law and custome of this Realme is of seruants and apprentices, to what labour, occupation, or seruice soeuer the said Master shall appoint him, or her, during the said time. And if it shall fortune such childe to adiudged to runne away, at any time once, or more times, from his or her Master, or Masters, that then it shall be lawfull for euery such master to take the said child againe, and to keepe and punish the said childe in chaines or otherwise, and vse him or her as his slaue in all points for the time before rehearsed,
of

of the age of such childe, that is to say, till twentie the woman child, and the man child foure and twentie.

VIII. Provided alwayes, that any Master, either of the men, or of the women so adiudged slaues, or of the children adiudged apprentices or seruants, may let, set forth, sell, bequeath, or giue the seruice and labour of such slaues or seruants so adiudged, as is aforesaid, to any person or persons, to whomsoever he will, vpon such condition, and for such time of yeeeres, as the said persons bee adiudged to him for slaues, seruants, or apprentices, after such like sort and maner, as he may doe of any other his moouable goods or chattels; and they for the said space and time to be bound to all points and constructions to such *Lessee, donee, vendee, or assignee*, as they were to their first apprehenders and masters, by vertue of this Act.

IX. Provided alwayes, and bee it enacted by authoritie aforesaid, that if any such slaue or slaues, or children so adiudged, shall at any time after such adiudgement, maim or wounde their Masters or Mistresses, in resisting their correction or otherwise, or when they bee manumitted or set againe free, or in the time of their seruice, shall conspire with any other, or by themselves goe about to murder and kill, or to maim, wounde, or beate the saide Master or Mistresse, or any that was their Master or Mistresse, or to burne their houses, barnes, or corne, so that their intent come to an act tending to the effect: that then euery such maim or wounde, or the going about to murder, kill, maim, wounde, or beate such person or persons, as bee, or were their Maister or Mistresse, or to burne their houses, barnes, or corne, so that their intent doe come to any act tending to the same effect, as lying in waite with weapon, or any such like, shall bee accounted felonie, and they shall suffer therefore paines of death, as in case of felonie, except that any such person or persons, as bee, or had bene Master or Mistresse to any of them, or he refusing any other, will take such person so offending to their slaues, & then he or she so offending, to be adiudged to the person so willing to take him or her so offending slaue for euer, and thereupon to be discharged of the felony. The same law and order to be had in all conditions if it should chaunce the father, mother, nurse, or other the bearer about of the childe, or any other person or persons, to steale away such childe adiudged apprentice or seruant, that is, to be slaue to such apprentices or seruants master, whose apprentice or seruant was so stollen or intised away, for euer, and the master neuertheless to take and receiue his apprentice or seruant againe, as if the said taking away had never beene done.

X. Bee it also enacted by authorite aforesayde, that although there bee no man which shall demaund such loiterer or loiterers, as before expressed, into their seruice; yet neuertheless the Justice of Peace in that Citie, Borough, Towne, or Hundred dwelling, if any such be, or else any other Justice of Peace of the same Shire, and also there dwelling by his or their office, shall bee hereafter bound by vertue of this Act, not onely^{te} in

inquire of all such idle persons, but also if they doe espy any such vacabonds or idle persons, or if any such bee detected, vn-to them, to examine him or her of the time of their vagabondrie, and if it shall appeare to any Justice of Peace, any such man or woman to haue beene a vagarant and vagabond or idle person, by the space as is aforesayde, to cause the same to bee marked on the breast with an V. made with an hot iron, and also to learne and inquire of him the Towne, Citie or Village wherein he was borne, and then shall immediately giue a writing in parchment, sealed with his scale to the sayde loiterer, of the tenor and forme which here insueth:

‘ *A. B.* Justice of Peace in the Countie of *S.* to the Maior or chiefe officer of the City of *Q.* (if it be a City) or to the Head-borough, Bailife, or Constable, or head officer of the towne of *Q.* (if it be a towne) or to the Constable or Tithingman of the village of *C.* (if it be a village) greeting. According to a most godly Statute, made in the first yere of the reigne of our soueraign Lord King *Edward* the sixt, &c. We haue taken this bearer *J. K.* vagarantly, and to the euill example of others, without assest. seruice, or labour, whereby to get his liuing, going loitering idly about. And because the same saith, hee was in *C.* in the County of *S.* whereof you are the head officer or Constable: We haue sent him to you to be ordered, according to the purport and effect of the same Statute:’

A testimonial
for a vagabond.

XI. And with this writin^g, shall deliuer the same loiterer to the Constables, or other head officer of the sayde City, Towne or Village, wherein such loiterer was taken, to bee safely conueied by them to the next Constable, and so from Constable to Constables, and other head officers, till he or she be brought to the place, the which he or she hath named themselves to bee borne in, and then to be deliuered to the head officer or Constable of that same citie, borough or towne, village, hamlet, or parish, there to bee nourished and kept of the same citie, towne, or village in chaines, or otherwise, either at the common workes, in amending high waies, or other common worke, or from man to man in order, till they which may beare bee equally charged, to bee slaue to the corporation of the citie, or to the inhabitants of the towne or village, that hee or shee were borne in, after all such forme, condition, space of yeeres, orders, punishments for running awaie, and all others, as are expressed of a common or priuate person, to whom any such loiterer is adjudged a slaue. And the sayde citie, towne, or village shall see the saide slaue being able to labor, set on worke, and not liue idlie within the saide precincts, vpon peine for euerie such default that the said slaue doth liue idlie, by the default of the city, borough, towne, or village, by the space of three working daies together, the citie to forfeit five pounds: a borough or towne incorporate fortie shillings: and other towne or village twentie shillings: whereof the one halfe to the King our Soueraigne

reigne

reign Lord, the other to him that will sue for the same, in any of the Kings Courts of Record, by bill, information, or action of debt, in such suites no essoine, wager of law, or protection shall be allowed.

XII. Provided and be it enacted, that the citie, towne, and borough corporate, by the consent of the more part of the corporation, and the towne and village not corporate by the consent of the more part of the inhabitants thereof, may set, sell or giue away, the right, title, and interest of the said slaue, to any other person, as any other common or priuate person may doe with his slaue, by the vertue of this act.

XIII. Provided alwaies and be it enacted, that if it fortune when the said vagabond is brought to the said citie, towne, or village, where the said person said he was borne, to appeare and be manifest that he or she was not there borne; that then for such lie, the said vagrant shall bee marked in the face with an S. and be slaue to the inhabitants, or corporation of the citie, towne, or village where the said vagrant said he was borne in, for euer, upon such conditions and orders, in all points as of a slaue marked in the face is before exprest: the same law and order in all points to bee had of all vagrant persons and vagabonds, being borne in any other nation or countrie then in this Realm, as is before exprest of *English* idle persons (marking in the brest or face onely excepted) that is to bee had to the next Port, and there to bee kept of the inhabitants of the sayde next Port in conuenient labour, and from idlenesse or otherwise, till they may bee conueyd ouer; and then at the costs of the inhabitants of the sayd Port, to bee conueyed ouer into their countries.

XIV. And forasmuch as there is many maimed and otherwise lamed, fore, aged, and impotent persons, which resort to the City of *London*, and to other cities, townes, and villages, on begging, which comming together and making a number, doe fill the streets or highwaies of diuers cities, townes, markets and faires; who, if they were separated might easily bee nourished in the townes and places wherein they were borne, or where they were, or haue been most conuersant and abiding, by the space of three yeeres. Be it therefore enacted by the authoritie aforesaide, that all and singular Maiors, Shirifs, Bailiffs, Constables, or other head officers of any citie, towne, or hundred, to which such resort is or shall be, shall before the feast of the Purification of our Lady next following, see all such idle, impotent, maimed, and aged persons, who otherwise cannot by their discretions bee taken for vagabonds, which were borne within the said citie, towne, or hundred, or haue been there most conuersant and abiding, by the space of three yeeres, as is aforesayde, and now decayed, bestowed and provided for of tenantries, cottages, or other conuenient houses to bee lodged in, at the costs and charges of the sayde cities, townes, boroughs, and villages, there to be relieued and cured by the deuotion of the good people of the sayde citie, borough, towne,

or village. And that they doe not suffer after the time before rehearsed, any other then such as either were borne, or haue been for the most part conuersant or abiding, by the space aforesaide, in the said citie, borough, village, or towne, to remaine and beg abroad within the precincts of such cities, townes, villages, or hundreds, vpon peine that euerie such Maiors, Shiriffes and Bailliffes, Constable, or other officer, by what name soeuer hee bee called, suffering any persons to beg within the precinct of his or their such iurisdiction, other then is before rehearsed, for euery three days shall forfeit ten shillings to whomsoeuer will sue therefore, by bill, information, or action of debt, in any court of record, in which suites no essoine, wager of law nor protection shal be allowed.

XV. And for the better performance hereof, bee it enacted by the authority aforesayde, that the Maior of the citie of *London*, and all other Maiors, Bailifs, Shirifs, Constables, and other head officers of euerie Citie, and Towne corporate, doe with all conuenient speed by themselves, or by their sufficient deputies by them appointed, before the feast of the Purification next comming; and so from time to time, every moneth once, make a view and examination of aged, impotent, and lame persons and beggers, as be within the precinct of their iurisdiction, and see all such as were not borne, nor hath been for the most part conuersant and abiding there by the space of three yeeres complete, conueied on horsebacke, cart, or chariot, or otherwise, as shall seeme by their discretions to the next Constables, & they to conuey the same to the next Constables, and so from Constables to Constables, till the saide persons be brought to the place where they were borne or most conuersant and abiding, as is aforesaid, there to be prouided for, kept, and nourished of alms, as is aforesaid, vpon the peine that euery such Maior, Shiriffe, or Constable, Headborough, or Head officer, not making view, nor sending or conueying away, not receiuing or not prouiding, as is before appointed, according to the true purport or meaning of this act, to forfeit for euery such default lx. shillings, whereof the one halfe to be to the Kings vse, the other to the partie that will sue therefore in any of the Kings courts of Record, by bill, information, or action of debts, in the which suites no essoine, wager of law, nor protection shal be allowed.

XVI. Prouided alwaies, that if any of the said aged, maimed, or impotent persons of the Cities, Townes, or Villages where they were borne in, or had their most abiding as is aforesaid, bee not so lame or impotent, but that they may worke in some manner of worke, that then such Citie, Towne, Parish, or Village, doe cyther in common prouide some such worke for them as they might bee occupied in, or appoint them to such as will finde them worke for meat and drinke. And if they refuse of wilfulnesse and stubbornnesse to worke, or doe runne away and beg in other places, then to punish the same according to their discretions, with chaining, beating, or otherwise, as shall seeme to them conuenient. And for the more further-

ance of the reliefe of such as are in vnfaigned miserie, and to whom charitie ought to be extended: Bee it enacted by authoritie aforeseyde, that euerie *Sunday* and Holiday after the reading of the Gospell of the day, the Curate of euerie Parish doe make (according to such talent as God hath given him) a godly and briefe exhortation to his Parishoners, mouing and exciting them to remember the poore people, and the dutie of Christian charitie, in relieuing of them which be their brethren in Christ, borne in the same Parish, and needing their helpe.

XVII. Provided alwaies, that if it shall chance any such adjudged apprentice, servant, or slaue, as is before rehearsed, to haue inheritance descended vnto him, or hir, or any other waies by the Lawes of this Realm, Ward, or Bondman, or Neise of blood, by, or from any of his auncestors, to any person or persons, that then it shalbe lawfull to any person or persons, to whom any such Ward, Bondman, or Neise shali apperteyne, to take and seise such Wards, Bondmen, or Neises, and them to returne and keepe as their Wards, Bondmen, or Neises. And the said Wards, Bondmen, and Neises shalbe discharged of the said slavery or other seruitude or bondage aboue rehearsed: this statute or any thing therein contained to the contrary in any wise notwithstanding.

XVIII. And also be it enacted, that if any such seruant, apprentice, slaue, or slaues, which shall haue at any time heer-after any aduancement or liuing, accrue, come, or growe vnto him, or any of them, whereby or they may haue a conuenient liuing, that then and from thenceforth hee or they so being aduanced, to bee discharged of their slavery, seruitude and bondage: this act or any thing therein contained to the contrary in any wise notwithstanding. And if any woman being a seruant apprentice, or slaue, as is aforeseyde, being married within the age of twenty yeres without assent of her master, vntil she shall accomplish and come to the said age of twenty yeres, only excepted.

XIX. Be it also enacted, That all leprous and poore bedred creatures whatsoever they bee, may at their owne libertie remaine and continue in such houses appointed for leprous or bedred people, as they now be in, and shall not be compelled to repaire into any other countries or places by vertue of this act: any thing therein contained to the contrary notwithstanding. And that also it shall bee lawfull vnto the sayde leprous and bedred people, for their better reliefes, to appoint their proctor or proctors, so there be not appointed aboue the number of two persons, for any one house of leprous, bedred people, to gather the charitable almes of all such inhabitants as shal be within the compasse of foure miles, of any of the said houses of leprous and bedred persons.

XX. And bee it ordeined and enacted by the authoritie abouesaid, That it shall bee lawfull to euerie person, to whom any person in forme abouesaid, shall bee adiudged a slaue, to put a ring of iron about his necke, arme, or his leg, for a more know-

knowledge and suretie of the keeping of him. And that if any person or persons doe take, or helpe to take any such bond of iron from any such slaue, that then euerie person so doing, without licence or assent of his master, shall forfeit for euerie such default ten pounds sterling.

XXI. Bee it further enacted, That this present act shall be before the first day of *March* next comming, bee openly proclaimed in euerie Citie, corporate Town, and market Towne, vpon the market daie: and also from thenceforth shall yerely be read in euerie Shire openly, in two generall quarter Sessions of Peace, that is to say, at the generall quarter Sessions next after *Midsummer*; and the generall quarter Sessions next after *Christmasse*, to the intent that euerie person may haue knowledge thereof, and that this act shall indure vnto the end of the next Parliament.

XXII. Provided alwaies and bee it enacted, That it shall bee lawfull to the Lord Chaunceller of *England*, or to the Lord Keeper of the great Seale for the time being, at their discretions to grant commission vnder the great Seale of *England*, to euerie or any person or persons, that hath or shall haue his or their houses or barres burnt, of such losses, to gather the reliefe and charitie of others for their ayde and helpe of his or their losses, decay, or hinderance, as in time hath past beene vsed: any thing contained in this act notwithstanding.

Anno tertio & quarto EDWARDI sexti.

ACTS made in the Session of Parliament holden vpon Prorogation at *Westminster*, on the fourth day of *November*, in the third yeere of the reigne of our late Soueraigne Lord EDWARD the sixt late King of *England*, and there continued and kept vntil the first day of *February* in the fourth yeere of the reigne of the said King, as followeth.

CAP. XVI.

An Act touching the punishment of Vagabonds and other idle Persons.

FORASMUCH as it is notoriously seene and known, that Vagabonds and Beggers doe daily increase within the Kings highnesse Realme into very great numbers, chiefly by occasion of idlenes, mother and root of all vices, whereby doe insue continuall thefts, murders, conspiracies, and other sundry heinous offences, and partly for that the good and wholesome lawes and Statutes of this Realme, hath not beene put in due execution, and partly also, by reason of the multitude of the same (the extremitie of some whereof haue beene occasion that they haue not beene put in vre) therefore, and

Repeale.

‘ for diuers good considerations it is enacted by the King our
 ‘ Souereigne Lord, with the assent of the Lords Spirituall and
 ‘ Temporall, and the commons in this present Parliament as-
 ‘ sembled, and by the authoritie of the same :’ That the Sta-
 tute made in the first yeere of the Kings highnes most noble
 reigne concerning idle persons and Vacabonds in certaine cases,
 to be made slaues and so forth, and all and euery article, matter,
 prouiso, branch, and sentence therein contained, shall be from
 hencefoorth vtterly repealed, made frustrate, voide, and of none
 effect.

Confirmation.

II. And that the Statute concerning how aged impotent per-
 sons should be ordered for their better reliefe, and how Vaca-
 bonds and strong Beggars should be punished, made in the
 xxii. yeere of the late King of most famous memorie King
Henrie the eight, and euery matter, article, prouiso, branch, and
 sentence therein contained, to be from hencefoorth reuiued,
 made good, and stand in full strength and vertue, and shall con-
 tinue and remaine a perfect act of Parliament for euer.

III. And be it therefore enacted by the authoritie aforesayd,
 That all Iustices of peace, and euery of them within the limits
 of their commission, and the Maiors, Shiriffes, Bailiffes, and
 other officers within their seuerall rules and offices, shall within
 their seuerall limits assemble together and make their seuerall di-
 uision, according to the purport and effect of this act, at the
 next generall quarter sessions of the peace to be holden after the
 feast of *Easter* next to come, for the due, speedy and diligent
 execution of the same act. And that if any such aged or im-
 potent person after the feast of *Easter* next to come, shall offend
 contrary to this Statute, that then the sayd offender shall be
 vsed and punished, as in the same Statute of the two and twen-
 tieth yeere of King *Henrie* the eight is provided. And that be-
 fore the feast of *Easter* no punishment shall be put in execution
 against any such impotent, lame, and aged person, but only by
 the discretion of the next Iustice of peace of the same Shire where
 such an offender shall be apprenended, any thing in the sayd Act
 to the contrarie notwithstanding.

IV. And for the auoiding of the idle loitering of common
 labourers of husbandry within this Realme: be it enacted by
 the authoritie aforesayd, That such common labourers, being
 persons able in body, vsing loitering, and refusing to worke for
 such reasonable wages as is most commonly given in the partes
 where such persons shall dwell, shall bee for euery such time as
 he or they refuse to labour, hauing reasonable wages, as is afore-
 sayd, adiudged Vacabonds, and shall be punished as strong and
 mighty Vacabonds, in such maner and forme as is declared in
 the sayd act of two and twentieth against vacabonds. *And touch-
 ing maimed, lamed and sore, aged and impotent persons, which re-
 sorte to the Citie of London, and to other Cities, Townes and vil-
 lages on begging:* Bee it enacted by the authoritie aforesayd, That
 all and singular Maiors, Shiriffes, Bailiffes, Constables, or
 other head officers of any Citie, Towne or village, to which
 such

such resort is, or shall be, shall before the feast of the Purification of our Lady next following, see all such idle, impotent, mained, and aged persons who otherwise cannot by their discretions be taken for vacabonds, which were borne within the sayd Citie, Towne or village, or haue beene there most conuerfant abiding by the space of three yeeres, and now decayed, bestowed and provided for, of the Tenantries, Cottages, or other conuenient houses to be lodged in, at the costs and charges of the sayd Cities, Townes, Boroughs, and villages, there to be relieued, and cured by the deuotion of good people of the sayd Citie, Borough, Towne or village, and that they doe not suffer after the time before rehearsed, any other then such as either were borne, or hath been for the most part conuerfant, or abiding by the space of three yeeres, as is aforesayd in the sayd Borough, Towne, or Village, to remaine and beg abroad within the precincts of such Cities, Townes, Villages, or Boroughs. *Except if be such as haue letters, or are authorisid or licensed by force of this Act:* Upon paine that euery such Maiors, Shiriffes, and Bailiffes, Constable, or other head officer, by what name soeuer he be called, suffering any person to beg within the precinct of his or their such iurisdiction, other then is before rehearsed, for euery three iaies shall forfeit ten shillings, to whom soeuer will sue therefore, by bill, information, or Action of debt, in any Court of record, in the which sutes, no Essoine, ne wager of law, or protection shall be allowed for the defendant.

V. And be it further enacted by the authoritie aforesayd, That the Maior of the Citie of *London*, and all other Maiors, Bailiffes, Shiriffes, Constables, and other head officers of euery Citie, Borough, or Towne corporate, and of euery other Towne and Village, doe with all conuenient speede by themselves or their sufficient deputies, before the feast of the Purification of our Lady next comming, and so from time to time euery moneth once, make a view and examination of aged, impotent, and lame persons, beggers, as be within the precinct of their iurdictions, and see all such as were not borne nor haue beene for the most part conuerfant and abiding by the space of three yeeres complete, or haue not letters, and authorisid or licensed by the force of this Statute, conueied on horseback, Cart, or otherwise, as shall seem by their discretions, to the next Constables, and they to conueie the same to the next Constables, and so from Constable to Constable, till the sayd persons be brought to the place where they were borne, or most conuerfant and abiding, as is aforesayd, there to be provided for, kept and nourished of Almes, as is aforesayd, vpon the paine that euery such Maior, Shiriffe or Constable, headborough, or other head officers, not making view, nor sending or conueying away, nor receiuing or not providing, as is before appointed, according to the true purport or meaning of this Act, to forfeit for euery such default ten shillings, whereof the one halfe shall be to the Kings vse, the other to the party that will sue therefore in any of the Kings Courts of record, by bill, information, Action of debt, in the

which futes, no Effoine, wager of law, or Protection shall be allowed for the defendant.

VI. Provided alwaies, and be it enacted by the authoritie aforefayd, That if any of the fayd aged, maimed, or impotent persons, of the Cities, Townes, or villages where they were borne in, or had their most abiding, as is aforefayd, be not so lame or impotent, but that they may worke in some maner of worke: that then such Citie, Towne, Parish or Village, doe either in common prouide some such worke for them, as they may be occupied in, or appoint them to such as will find them worke for meate and drinke. And if they refuse of wilfulnesse and stubborneesse to worke, or do runne away and beg in other places, then to punish the same according to their discretions, with stocking, beating, or otherwise as shall seeme conuenient.

VII. Be it also enacted by the authority aforefayd, That all leprouse and poore bedred creatures, whatsoeuer they be, may at their owne liberty remaine and continue in such houses as are appointed for leprouse or bedred people, as they now be in, and shall not be compelled to repaire into any other Countries or places by vertue of this Act, any thing therein contained to the contrary notwithstanding. And that also it shall be lawful unto the sayd leprouse and bedred people, for their better relief to appoint their proctor or proctors, so there be not appointed aboue the number of two persons, for any one house of leprosie or bedred people, to gather the charitable almes of all such inhabitants, as shall be within the compasse of foure miles of any of the sayd houses of leprouse and bedred people.

VIII. Provided alwaies, and be it enacted by the authoritie aforefayd, That it shall be lawfull to the Lord Chancellor of *England*, or Lord Keeper of the great seale for the time being, at their discretions to grant commission vnder the great seale of *England*, to euery or any person or persons, that hath, or shall haue his or their houses or barnes burnt, or such losses, or to such as be or shall be leprouse persons, to gather the relief and charitie of others for their relief, or for their aid, and helpe of his or their losses, decay, or hinderance, as in time past hath been vsed, any thing in this Act notwithstanding.

IX. And be it further enacted by the authoritie aforefayd, That all and euery Statute and Act of Parliament made for punishment of vacabonds, slaues, aged and impotent persons, or any of them, and euery Article, sentence, clause or proviso, therein contained, other then this present Act and Statute made, and the sayd Act made in the said two and twentieth yeere, shall be from henceforth vtterly void, repealed, and of no effect or force.

X. And forasmuch as diuers men and women going on begging, impotent and lame, and some able inough to labour, doe carry children about with them of tender age, and some of four, fise or fixe yeeres of age, or yonger, or elder, which being once brought vp in idlenesse, will hardly be brought after to any good kind of labour, paine, trauell or seruice:

Be

Be it enacted by the authoritie aforesayd, That if any child about the age of five yeeres, and vnder the age of fourteene, go about wandering, as is aforesayd, or else alone, in case any maner person that is able to keep any such child, will take it, be it male or female, of and from any such begger being the father or mother thereof, nourisher or keeper, whether they be willing or not, or without any such Nurse, father, mother or keeper, by him or her selfe wandring, and bring such child so taken, before one of the Constables of the Parish, where the child shall so fortune to be taken vp, and at the next generall quarter Sessions to be holden in the Shire next to the place where the sayd taking vp shall fortune to be, present the same in the presence of the sayd Constable, before the Iustices of peace at the same Sessions, and there in open Sessions promise to bring the same child vp in some honest labour or occupation till the woman childe come to the age of fifteen yeeres and the man child to the age of eighteen yeeres, if the Maister or Mistresse shall chance so long to liue, that then and immediately the sayd Iustices of peace by their discretion shall adiudge by vertue of this Act, the sayd child vnto the ages before specified, to be seruant or seruants to the sayd person or persons, so taking and promising, as is aforesaid, such child to be vsed and ordered, in all points according as the law and custome of the Realme is of seruants without wages, to what labour, occupation, or seruice soeuer the sayd taker vp, or Maister or Mistresse shall appoint him or her, during the sayd tearme, and the sayd iudgement shall be entered by the Clarke of the peace in the sayd Sessions in forme following:

‘**M**EMORANDUM, That at the Sessions of the peace holden at W, the day, &c. One I. B. of the Towne of L. had deliuered to him, according to the forme of the Statute in that case prouided B. T. esteemed to be of the age of seauen or eight yeeres, to be ordered according to the forme of the sayd Statute.’

XI. And if it shall fortune such child soadijudged to runn away at any time, once, or more times, from his, or her Maister or Mistresse, that then it shall be lawfull for every such Maister or Mistresse, to take the sayd child againe, and to keepe and punish the sayd child in the stocks, or otherwise by discretion, or otherwise at the liberty of such Maister or Mistresse, to haue a warrant from any Justice of peace in the same Shire where the child so runns away, for such child running away, or going away, as is provided by the Statute of labourers, for such seruants as depart away from their Maister or Mistresse, without a reasonable cause before the end of their tearme.

XII. And that every Justice of peace shall by force of this Act haue authoritie and power, to make such warrant against every such person so going, and running away, in like forme as they or any of them may doe against any seruant departing out of his Maisters seruice without license, or reasonable cause, and

by force of the same warrant, the child so running or going away, to be taken and ordered in every degree, as is provided by the sayd Statute of labourers for seruants departing out of their Maister or Mistresse seruice, as is aforesayd.

XIII. And be it further enacted by the authoritie aforesayd, That if, and as often as it shall chance the father, mother, nurse, or other bearer about of the child, or any other person or persons, to steale, or intise away any such child, adiudged for a seruant, as is aforesayd, that then, and so often it shall be lawfull for the maister, or mistresse of the same child to be at his or their liberty, to take an Action vpon the Statute of labourers, against every such person so stealing, or intising away such child as he or they might haue, by reason of the said Statute for labourers, against him, or them that retaines any mans seruant out of his seruice, before the end of the sayd tearme, or else to take an Action of Trespasse against such offendor, in which Action hee shall recouer his dammages, and treble costes of his sute.

XIV. Provided alwaies, and be it enacted by the authoritie aforesayd, That if the Maister, or Mistresse, to whom such child as is aforesayd shall be adiudged to be seruant, be vnreasonable in ordering, and bringing vp of such child, that then at all times vpon complaint made at the generall quarter Sessions of the peace, in the Countie where the sayd child shall be by two honest neighbours of the same place, or Towne where the said child shall fortune to be so vnreasonably ordered, if it shall appeare by honest witnesse to the Justices of peace at the same Sessions that the complaint thereof made shall be true, then the Justices of peace at their generall Sessions in the same Shire, where such complaint shall be made, shall by vertue of this Act haue authoritie and power to discharge the sayd child from his or their vnreasonable maister, or mistresse, and appoint the same to some other honest maister, or mistresse, vnto the sayd ages, to be ordered in every degree as the sayd child should haue bene with his former maister or mistresse, and that order, and appointment to be written in the Booke of the Clarke of the peace, for the which entrie the said Clarke of the peace shall haue foure pence for his labour, and not aboue, and in like maner shall haue foure pence and not aboue, for the first entrie of the child to be seruant, as is aforesayd, to be paid by the maister, or mistresse of the sayd child.

XV. Provided alwaies, and be it enacted by the authoritie aforesayd, That if the woman child to be appointed a seruant, as is aforesayd, be married afore her age of 15. yeeres, that then by that marriage, she shall be discharged of seruice. This act or any thing therein contained to the contrarie notwithstanding.

XVI. Provided alwaies, and be it enacted by the authoritie aforesayd, That all and every vacabond, or begger, being borne in any other nation, or Countie then within this Realme, shall in maner, and forme aforesayd, and vpon the forfeitures, and penalties before mentioned, bee conueyed from place to place, or to the place, or marches next adioyning, to his or their native countie, or to the next Port, if there be a sea betweene this Realme, and his or their saide countries, there to be kept of

of the inhabitants of the said next Port, in conuenient labour from idlenesse, or otherwise till they may be conueyed ouer, and then at the costs of the inhabitants of the said Port, if themselves shall not haue wherewith, to be conueyed ouer into their natie countries.

Anno decimo tertio Reginæ ELIZABETHÆ.

AT the Parliament begun and holden at *Westminster*, the second day of *April*, in the thirteenth year of the reign of our most gracious soveraign Lady *Elizabeth*, by the grace of God, of *England*, *France*, and *Ireland*, Queen, Defender of the Faith, &c. and there continued until the dissolution of the same, to the high pleasure of Almighty God, and the weal publick of this realm.

C A P. XVIII.

An act for bringing of the Riuer of Lee, to the Northside of the Citie of London.

FORASMUCH as it is perceiued by many graue and wise men, aswell of the Citie of London, as of the Countrey, that it were very commodious and profitable, both for the Citie and the Countrey, that the Riuer of Lee, otherwise called *Ware Riuer*, might be brought within the land, to the North part of the sayd Citie of London, the same to be cut out of the sayd Riuer, in the most aptest and meetest place of the sayd Riuer of Lee, to haue from Further impro-
tience the leading and passage of the sayd water, thorow such a con-
uenient and meete cut, as may serue for the navigation of Barges and
other vessels for the carriage and conueying aswell of all Merchandises,
corne, and victuals, as other necessities, from the Towne of *Ware*,
and all other places neere the said Riuer, unto the sayd Citie of London,
and from the sayd Citie, to the sayd places, and the Towne of *Ware*,
and also for Tilbotes and Whirries, for conueying of the
Queenes subiects to and fro, to their great ease and commoditie. In
consideration of the premissses, and of diuers sundry commodious, profitable,
and beneficiall causes, which are like to insue to the bodie of
this common wealth, and so incidently to many particuler persons: Be
it enacted by the Queenes most excellent Maiestie, with the assent
of the Lords Spirituall and Temporall, and the commons in this present
Parliament assembled, and by the authoritie of the same, That it shall
be lawfull to the Lord Maior, Comminaltie, and Citizens of the Citie
of London, and their successors, at any time or times hereafter, to
beginne and continue the laying out of such conuenient limits of
ground, for the making of the trench for the sayd Riuer, at such
breadth, as to them and their deputies and workemen shall be
seene conuenient and meete for the same, and in that place that
they shall find to be most apt and meete for that purpose, to haue,
take, and

and use for the purpose abovesayd, such and so much ground, during, and by all the length as the sayd new Channel, cut, or Riuer, shall passe, as shall be requisite for the conueying of the sayd water, and also fifty or threescore foote, in bredth on each side of the sayd Riuer, by all the length of the same: so alway that they doe not in any one place, take in breadth both in Channel and in ground on both the sides of the water, above the breadth of eight score foot in all, which conuenient breadth of ground on both sides, is thought needfull to be had: for that ground and spoile of necessitie must be occupied on both sides of the sayd Riuer, aswell for the laying of the earth that shall be cast out of the sayd trench, to serue in the lower grounds, and especially neere the sayd Riuer, to make substantiall bankes for the preferuation and keeping of the Countrey from innundations when the fluds shall arise, as also for way to passe with tronkes and carts, which must carry away the gravell and other earth, in very great quantity from the hils, whereas the cut must be very deepe, to such places as shall be conuenient, to helpe to make up the sayd bankes, and otherwise to bestowe the same: and also for that when it shall please God that the same shall be brought to passe and full effect, that the whole ground on both sides of the sayd Riuer, may lie in one leuill from the sayd Citie of London, to that place where the said Riuer or trench shall haue his beginning out of the maine Riuer of Lee, and to the end also, that in all places within that limit and distance, all people may with great ease and commoditie goe in and out of their Tiltebotes, and other vessels whatsoeuer without perill, and so walke by foote, as long as it shall please them, and also that the Bargemen may vpon the same ground without offending any other, draw their vessels from place to place alongst the same, as of like they shall be driuen to doe against the streame, being loden.

II. And be it enacted, That the sayd Maior, Comminaltie, and Citizens, and their successors for ever, shall haue the said ground alongst all the sayd whole length, for such composition as they shall make with the Lords, owners, and occupiers of the soile and ground.

III. *Provided alwayes*, and be it enacted, That if in the new cut, there happen any breaches, innundations, or hurts, the Maior and Citizens of London, shall stop the breaches at their owne charges, and so maintaine them from time to time.

IV. And be it also enacted, That the sayd Lord Maior, Comminaltie, and Citizens, shall haue the whole jurisdiction, conseruice, rule, and gouernment, aswell of the sayd new cut Riuer, and ground of each side, as also the royaltie of the fish, and fishing of the same, and profits of the said ground, soile, and water, to them and their successors for euer: and also shall haue authoritie to punish aswell all such transgressors as shall offend in the breaking of such good orders as shall be hereafter made, for such of the Queenes Maiesties subiects as shall haue occasion to trauele and passe by the same new cut Riuer, as also
euerly

every other person and persons which shall breake such good and wholesome rules and orders, as shall be provided and ordained for the preservation, keeping, and maintaining of the sayd Riuer, and every part thereof.

V. And further be it enacted, that the sheriffes and Justices of the peace, and such other as it shall please the Lord Chanceller, or Lord Keeper of the great Seale to put in Commission for the same, aswell of Middlesex, Essex, as of Hartford Shire, or the more of them, by their discretions, shall at the costs and charges of the Countrey, after that the sayd new cut shall be made and finished, cause the same from such place whereas the said new cut shall beginne, vnto the Towne of Ware, alongst the said Riuer, to be sufficiently clenfed of all the shelves and shallows, and to bring the same to a conuenient deapth in all places, for the passage of Barges, Tiltboats, and other vessels, in as good and conuenient deapth all the way of the same, as shall be made and continued in the aforesaid new riuer by the Maior. Commonaltie, and Citizens of the sayd Citie of London, and so to continue the same from time to time, vpon the peines therefore to be limited, and leuied by the discretions of the said Commissioners, or the more part of them. And also that all other buildings, and obstacles, standing in or vpon the sayd Riuer, which may be founde impeachments or lettes to this good worke, may be remoued and taken away, to the ende that this may bee a good and perfite work, and by the grace of God to such good effect and commoditie, as is hoped and looked for.

VI. *Provided alway*, and be it enacted, That this Act shall not extend to take away any building, locke, or obstacle, which by the said commissioners, or the more part of them, shall be thought not to hinder the passage of Boats or vessels, by and through the said Riuer.

VII. And be it further enacted, That the Maior, Commonaltie, and Citizens of London, shall make and mainteine at their costs and charges, such sufficient hedges and fences, as shall be requisite betweene the grounds so by them to bee taken to the vse aboue said, and the grounds of other owners, and also conuenient bridges and wayes, for the passage of the Queenes subiects and their carriages.

VIII. *Provided alwaies*, and be it further enacted by the authoritie aforesaid, That the Lord Chancellor, or Lord Keeper of the great Seale of England for the time being, shall and may by his discretion, and at the request of the said Lord Mayor, Commonaltie, and Citizens for the time being, appoint and authorize by commission, vnder the great Seale of England, sixteene Commissioners, whereof foure to be of the sayd Citie of London, and the other twelue to be of the Counties adjoyning to the sayd Riuer of Lec: *vidz.* foure of euery of the Shires, of Essex, Middlesex, and Hartford Shire, and euery of the said twelue having lands, tenements, or hereditaments, of the cleere yeerely value of fortie Marks on the same Shires, or some of them,

them, and not beeing Citizens of London, vsing the trade of merchandise : which sixteene Commissioners, or the more number of them, shall haue full power and lawfull authoritie, to treat, agree, and compound with such numbers of freeholders and inhabitants of the said Counties, as to their discretions shall seeme meete and conuenient, for the scowring, clenfing, repairing, and keeping of the said riuer of Lee, from such place whereas the said new riuer or cut shall haue the beginning, vnto the said towne of Ware, in such sort as that the same may be nauigable for Boats, Barges, and other vessels.

IX. And further be it enacted, That vntill, or before such order or meanes bee deuised and agreed vpon, by the said Commissioners, and the said commission returned into the high Court of Chancerie, it shall not bee lawfull to the said Lord Maior, Citizens, and Comminaltie, to put the said digging, trenching, or new cutting of the sayd river in execution, nor to cut or take in any ground by force of this Statute : any thing in this act to the contrary notwithstanding.

X. And be it further enacted, That the Maior, Citizens, and Comminaltie of London, shall not by vertue of this Act, take any mans ground, vntill he haue compounded with the owners of the same ground : and shall within ten yeeres next after the end of the Session of this Parliament, cut and finish the same.

XI. *Provided alway*, and bee it enacted, That all the Queenes subiects, their boats and vessels, shall haue free passage through the sayd riuer, aswell the new cut, as the olde riuer, without interruption or molestation, by reason of, or for his or their passage, as in other common riuers and waters they lawfully may doe.

XII. *Provided alway*, That this Law shall not extende to make the sayd riuer to be clenfed, otherwise then any persons be or shall be compellable by the law, or by the Statute of Sewers, to clenfe the same.

XIII. *Provided also*, and be it enacted, That if any person shall refuse to be reasonably compounded with, for ground to be taken in for the said new cut and bankes : then the said xvi. Commissioners, or the more part of them, shall appoint and determine the composition and bargain betweene both the parties, and the satisfaction for such ground, and all wayes, bridges, and other things to the same parteining.

XIV. *Provided alway*, and be it further enacted, That if the said new cut shall bee the meane and occasion that any milles beneath or aboue the beginning of the said new cut, shall be by vertue of this Act destroyed, or the profite thereof decayed by want of water : then the saide Lord Mayor, Comminaltie, and Citizens of London, shall yelde and pay to the owners of such milles so decayed, and to such persons as shall haue any detriment or losse by such decay, such reasonable recompence in money or yeerly rent, or otherwise, as the said sixteene Commissioners, or other sixteene Commissioners in like forme to be chosen

chosen and authorized, or any twelue of them, shall determine and appoint. And that such owners, their heires, and assignes, shall haue such reasonable remedie, by action of debt, or distresse, or otherwise to recouer, haue, and obtaine the said recompence, as the Lord Chancellor, or Lord Keeper of the great seale of England for the time being, together with the said fixteene Commissioners, or with any twelue of them, shall appoint: any thing in this Act to the contrary notwithstanding.

Anno tricesimo nono Reginae ELIZABETHÆ.

AT the Parliament begun and holden at *Westminster*, the four and twentieth day of *October*, in the nine and thirtieth year of the reign of our most gracious sovereign Lady *Elizabeth*, by the grace of God, of *England*, *France*, and *Ireland*, Queen, Defender of the Faith, &c. and there continued until the dissolution thereof, being the ninth of *February* next following, one thousand five hundred ninety seven; to the high pleasure of Almighty God, and the weal publick of this realm.

C A P. III.

An Act for the reliefe of the poore.

BE E it enacted by the authority of this present Parliament, That the Churchwardens of every parish, and foure substantiall householders there being Subsidie men, or for want of Subsidie men, foure other substantiall householders of the said parish, who shall be nominated yeerely in Easter weeke, vnder the hand and Seale of two or more Justices of the peace in the same County, whereof one to be of the *Quorum*, dwelling in, or neere the same parish, shall be called ouerseers of the poore of the same parish, and they or the greater part of them shall take order from time to time, by, and with the consent of two or more such Justices of peace, for setting to worke of the children of all such whose parents shall not by the said persons be thought able to keepe and mainteine their children. And also all such persons married or vnmarried, as hauing no means to mainteine them, vse no ordinary and dayly trade of life to get their liuing by, and also to raise weekly or otherwise (by taxation of every inhabitant, and every occupier of lands in the said parish, in such competent sum and sums of money as they shall think fit) a conuenient stocke of Flaxe, Hempe, Wooll, Threed, Iron, and other necessary ware and stuffe to set the poore on worke, and also competent sums of money, for, and towards the necessary reliefe of the lame, impotent, old, blind, and such other among them being poore, and not able to work, & also for the putting out of such children to be apprentices, to be gathered out

out of the same parish, according to the abilitie of the said parish, and to doe and execute all other things as well for the disposing of the said stocke, as otherwise concerning the premisses, as to them shall seeme conuenient: which said churchwardens and ouerseers so to bee nominated, or such of them as shall not bee let by sicknesse or other iust excuse, to bee allowed by such two Justices of peace or more, shall meete together at the least once euery moneth in the Church of the said parish, vpon the Sunday in the afternoone, after diuine Seruice, there to consider of some good course to be taken, and of some meete orders to bee set downe in the premisses, and shall within foure dayes after the end of their yeere, and after other ouerseers nominated as aforesaid, make and yeeld vp to such two Justices of peace, a true and perfect account of all sums of monie by them receiued or rated and fessed, and not receiued: and also of such stocke as shall be in their hands, or in the hands of any of the poore to worke, and of all other things concerning their said office, and such sum or sums of monie as shal be in their hands, shall pay and deliuer ouer to the said Churchwardens and ouerseers, newly nominated and appointed as aforesaid, vpon paine that euery one of them absenting themselves without lawfull cause as aforesaid, from such monethly meeting for the purpose aforesayd, or being negligent in their office, or in the execution of the orders aforesaide, beeing made by, and with the assent of the sayde Justices of Peace, to forfeit for euery such default, twentie shillings. And be it also enacted, That if the sayd Justices of Peace doe perceiue that the Inhabitaunts of anie Parish are not able to leuie among themselves sufficient summes of money for the purposes aforesayd, that then the said Justices shall, and may tax, rate, and asseesse, as aforesayd, anie other of other Parishes, or out of any Parish within the hundred where the sayde Parish is, to pay such summe and summes of money to the Churchwardens and Ouerseers of the sayde poore Parish, for the sayde purposes, as the sayde Justices shall thinke fit, according to the intent of this Lawe. And if the sayde Hundred shall not bee thought to the sayd Justices, able, and fit to relieue the sayde seuerall Parishes not able to prouide for themselves as aforesayde, then the Justices of Peace, at their generall Quarter Sessions, or the greater number of them, shal rate, and asseesse, as aforesayde, anie other of other Parishes, or out of any Parish within the sayde Countie, for the purpose aforesayd, as in their discretion shall seeme fit.

II. And that it shall be lawfull for the sayd Churchwarden and Ouerseers, or anie of them, by warrant from anie two such Justices of Peace, to leuie as well the sayd summes of money of euery one that shall refuse to contribute according as they shall be assessed, by distresse and sale of the offendour goods, as the summes of money or stocke which shall be behind vpon any account to be made as aforesayd, rendering to the partie the overplus, and in defect of such distresse, it shall be lawfull for any such two Justices of the Peace, to commit him to Prison

Prison, there to remayne without bayle or maineprise, till payment of the sayd summe or stocke. And the sayd Justices of Peace or any one of them, to send to the house of Correction such, as shall not imploy themselves to worke, beeing appoynted thereunto as aforesayd: And also any two such Justices of Peace, to commit to Prison euery one of the sayde Churchwardens and Ouerseers, which shall refuse to accompt, there to remayne without Bayle or Mayneprise, till hee haue made a true accompt, and satisfied and payed so much as upon the sayde accompt shall be remayning in his hands.

III. And be it further enacted, That it shall be lawfull for the sayd Churchwardens and Ouerseers, or the greater part of them, by the assent of anie two Justices of the Peace, to bind anie such children as aforesayd to be Apprentices, where they shall see conuenient, till such manchild shall come to the age of foure and twentie yeares, and such woman-child to the age of one and twentie yeares: The same to be as effectuell to all purposes as if such child were of full age, and by indenture of Couenant bound him or her selfe. *And to the intent, that necessarie places of habitation may more conueniently be provided for such poore impotent people.* Be it enacted by the authoritie aforesayd, That it shall and may be lawfull for the sayd Churchwardens and Ouerseers, or the greater part of them, by the leaue of the Lord or Lords of the Manor, whereof anie wast or common within their Parish is or shall be parcell, and vpon agreement before with him or them made in Writing, vnder the hands and Seales of the sayd Lord or Lords, or otherwise, according to anie order to be set downe by the Justices of Peace of the sayde county, at their generall Quarter Sessions, or the greater part of them, by like leaue and agreement, of the sayd Lord or Lords in Writing vnder his or their hands and Seales, to erect, build, and set vp in fit and conuenient places of habitation, in such waste or common, at the generall charges of the Parish, or otherwise of the hundred or Countie as aforesayde, to be taxed, rated, and gathered, in manner before expressed, conuenient houses of dwelling for the sayd impotent poore, and also to place Inmates, or more families then one in one cottage or house: One Act made in the one and thirtieth yeare of her Maiesties raigne, intituled, An Act against the erecting and maintaining of cottages, or any thing therein contained to the contrary notwithstanding.

IV. *Provided alwayes,* That if any person or persons shall find themselves grieved with any Sesse or Taxe, or other Act done by the sayd Churchwardens, and other persons, or by the sayd Justices of Peace, that then it shall be lawfull for the Justices of Peace at their generall quarter Sessions, or the greater number of them, to take such order therein as to them shall be thought conuenient, and the same to conclude and bind all the said parties.

V. And be it further enacted, That the parents or children of euery poore, olde, blinde, lame, and impotent person or other

A P P E N D I X.

other poore person, not able to worke, being of sufficient ability, shall at their owne charges, relieue and maintaine euery such poore person in that manner, and according to that rate, as by the Iustices of Peace of that Countie where such sufficient persons dwell, or the greater number of them, at their generall quarter Sessions shall be assessed, vpon payne that euery one of them to forfeit xx. s. for euery moneth, which they shall faile therein.

V. And be it further hereby enacted, That the Maiors Bailiffes, or other head Officers of euery corporate Towne within this itcalme being Iustice or Iustices of Peace, shall haue the same authoritie by vertue of this Act, within the limits and precincts of their corporations, aswell out of Sessions, as at their Sessions, as is herein limited, prescribed and appointed to any of the Iustices of Peace of the Countie, for all the vses and purposes in this Acte prescribed, and no other Iustices of Peace to enter or meddle there.

VII. And be it also enacted, That if it shall happen any Parish to extend it selfe into moe Counties then one, or part to lye within the liberties of any Citie or Towne corporate, and part without, that then, aswell the Iustices of Peace of euerie Countie, as also the head officers of such citie or towne corporate, shall deale and intermeddle only in so much of the said parish as lieth within their libertie, and not any further.

VIII. And be it further enacted by the authoritie aforesaid, That from the first day of Nouember next ensuing the end of this Session of parliament, no person or persons whatsoever shall goe wandring abroad, and begge in any place wheresoever, by licence or without, vpon paine to be esteemed, taken, and punished as a Rogue.

IX. *Provided alwaies*, That this present Act shall not extend to anie poore people, which shall ask reliefe of victualls onely in the same parish where such poore people doe dwell, so the same be in such time onely, and according to such order and direction, as shall be made and appointed by the Churchwardens and Ouerseers of the poore of the same Parish, according to the true intent and meaning of this Act.

X. And further be it enacted by the authoritie aforesayd, that all penalties and forfeitures before mentioned in this Act, shall goe and be employed to the vse of the poore of the same Parish, and towards a stocke and habitation for them, and other necessarie vses and reliefe, as before in this Act are mentioned and expressed, and shall be leuiued by the sayde Churchwardens and Ouerseers, or one of them, by warrant from anie two such Iustices of Peace by distresse & sale, as aforesayd, or in defect thereof, it shal be lawful for anie two such Iustices of Peace to commit the offender to prison, there to remayne without bayle or mayneprife, till the said forfeitures shall be satisfied and payed: *And forasmuch as all begging is forbidden by this present Act,*

XI. Becⁿ

XI. Bee it further enacted by the authoritie aforesayd, That the Justices of Peace of every Countie or place corporate, or the more part of them in their generall Sessions to be holden, next after the end of this Session of Parliament, or in default thereof, at the Quarter Sessions to be holden, about the Feast of Easter next, shall rate every Parish to such a weekly summe of money as they shall think convenient, so as no Parish be rated above the summe of sixe pence, nor vnder the summe of an halfe-pennie, weekly to bee payed, and so as the totall summe of such taxation of the Parishes in everie Countie, amount not above the rate of two pence for everie Parish in the sayde Countie, which summes so taxed, shall bee yearly assessed by the agreement of the Parishioners within themselves, or in default thereof by the Churchwardens and Constables of the same Parish, or the more part of them, or in default of their agreement, by the order of such Justice or Justices of Peace as shall dwell in the same Parish, or (if none be there dwelling) in the parts next adioyning: And if any person shall refuse, or neglect to pay any such portion of money so taxed, it shall be lawfull for the sayd Churchwardens and Constables, or in their default for the Justices of the Peace, to leuie the same by distresse, and sale of the goods of the partie so refusing or neglecting, rendering to the partie the overplus, and in default of such distresse, it shall be lawfull to any Justice of that limit, to commit such persons to prison, there to abide without bayle or mayneprife till he haue payed the same.

XII. And bee it also enacted, that the sayd Justices of the Peace, at their generall Quarter Sessions to bee holden at the time of such taxation, shall set downe what competent summe of money shall be sent quarterly out of every countie or place corporate, for the reliefe of the poore Prisoners of the Kings Bench, and Marshalsey; and also of such Hospitalls, and Almes-houses, as shall be in the sayd Countie, and what summes of money shall be sent to every one of the sayde Hospitalls, and Almes-houses, so as there be sent out of every Countie yearly twentie shillings at the least, to the sayde Prisoners of the Kings Bench, and Marshalsey, which summes ratable to bee assessed vpon everie Parish, the Churchwardens of everie Parish shall truly collect and pay ouer to the High-Constable, in whose Diuision such Parish shall bee scituate from time to time quarterly, tenne dayes before the end of everie Quarter: And everie such Constable at everie such Quarter Sessions in such Countie, shall pay ouer the same to two such Justices of the Peace, or to one of them, as shall bee by the more part of the Justices of Peace of the Countie, elected to bee Treasurers of the sayde Collection, which Treasurers in everie Countie so chosen, shall continue but for the space of one whole yeare, and then giue vp their charge with a due account of their receipts and disbursements at their meeting in the Quarter Sessions, to bee holden after the Feast of Easter in everie yeare, to such others as shall from yeare to yeare in fourme aforesayde, successiue, bee elected

ted, which sayde Treasurers, or one of them, shall pay ouer the same to the Lord chiefe Justice of England, and Knight Marshall for the time being, equally to bee diuided to the vse aforesayd, taking their acquittances for the same, or in default of the sayde chiefe Justice, to the next auncient Justice of the Kings Bench, as aforesayde. And if anie Churchwarden, or High-Constable, or his Executours, or Administratours, shall saye to make payment in fourme aboue specified, then euerie Churchwarden, his Executors, or Administratours so offending, shall forfeite for euerie time, the summe of tenne shillings, and euerie High-Constable, his Executours or Administratours, shall forfeit for euerie time the summe of twentie shillings, the same forfeitures together with the summes behind, to be leuyed by the sayde Treasurer and Treasurers by way of distresse, and sale of the goods as aforesayd, in forme aforesayd, and by them to be employed, towards the charitable vses comprised in this Act.

XIII. And bee it further enacted, That all the surplussage of money which shall be remayning in the said stocke of any countie, shall by discretion of the more part of the Justices of Peace in their Quarter Sessions, be ordered, distributed and bestowed for the reliefe of the poore Hospitalls of that Countie, and of those that shall sustayne losses by fire, water, the Sea, or other casualties, and to such other charitable purposes, for the reliefe of the poore, as to the more part of the sayd Justices of Peace shall seeme conuenient.

XIV. And bee it further enacted, That if any Treasurer shall wilfully refuse to take vpon him the said office of Treasurership, or refuse to distribute and giue reliefe according to such forme as shall be appointed by the more part of the sayde Justices of Peace, that then it shall be lawfull for the Justices of Peace in their quarter Sessions, or in their default for the Justices of Assize, at the Assizes to be holden in the same county, to fine the same Treasurer by their discretion: the same fine to be leuyed by sale of his goods, and to be prosecuted by anie two of the sayd Justices of Peace whom they shall authorise.

XV. *Provided alwayes neuerthelesse*, That euerie Souldier being discharged of his seruice, or otherwise lawfully licensed to passe into his Countie, and not hauing wherewith to relieue himselfe in his trauels homewards, and euerie Sea-faring man landing from Sea, not hauing wherewith to relieue himselfe in his trauels homewards, hauing a testimoniall vnder the hand of some one Justice of the Peace, of, or neere the place where he landed or was discharged, setting downe therein the place and time, where, and when he landed, or was discharged, and the place of the parties dwelling or birth, vnto which he is to passe, and a conuenient time therein to be limited for his passage, shall and may without incurring the danger or penaltie of this Acte in the vsuall wayes, directly to the place vnto which hee is directed to passe, and within the time in such his testimoniall limited for his passage, aske, and receiue such reliefe as shall

bee-necessarie, in, and for his passage: This Acte or any thing therein contained to the contrarie notwithstanding.

XVI. *Provided alwayes*, That this Acte shall endure no longer then to the ende of the next Session of Parliament.

C A P. IV.

An Act for punishment of Rogues, Vagabonds, and sturdie Beggers.

FOR the suppressing of Rogues, Vagabonds, and sturdie Beggers: Bee it enacted by the authoritie of this present Parliament, that from and after the Feast of *Easter* next coming, all Statutes heretofore made for the punishment of Rogues, Vagabonds, or sturdie Beggers, or for the erection or maintenance of houses of Correction, or touching the same, shall for so much as concerneth the same be utterly repealed: And that from and after the said Feast of *Easter*, from time to time it shall and may be lawfull to and for the Iustices of Peace of anie Countie or Citie in this Realme, or the Dominions of *Wales*, assembled at any quarter Sessions of the Peace within the same Countie, Citie, Borough, or Towne corporate, or the more part of them, to set downe order to erect, and to cause to be erected one or more houses of Correction within their severall Counties or Cities: for the doing and performing whereof, and for the providing of stockes of money, and all other things necessary for the same, and for raising and governing of the same, and for correction and punishment of offenders thither to be committed, such orders as the same Iustices or the more part of them shall from time to time take, reforme, or set downe in any their said quarter Sessions in that behalfe shal be of force, and be duly performed and put in execution.

II. And be it also further enacted by the authoritie aforesaid, That all persons calling themselves Schollers going about begging, all Sea-faring-men pretending losses of their shippes or goods on the Sea going about the countrie begging, All idle persons going about in anie countrie either begging or vsing any subtil craft, or vnlawfull games and playes, or sayning themselves to haue knowledge in Physiognomie, Palmestrie, or other like craftie science, or pretending that they can tell destenies, fortunes, or such other like fantasticall imaginations: All persons that bee, or vtter themselves to be Proctors, Procurers, Patent gatherers, or Collectors for Gaoles, Prisons, or Hospitals: All Fencers, Berewards, common Players of Enterludes, and Minstrells, wandering abroad (other then Players of Enterludes belonging to anie Baron of this Realme, or anie other honourable personage of greater degree, to bee authorized to play vnder the hand and Seale of Armes of such Baron or personage) All Iuglers, Tinckers, Pedlers, and pettie Chappmen wandering abroad, All wandering persons and common Labourers, being Persons able in body, vsing loytering, and refusing to worke for such reasonable wages, as is taxed or commonly giuen in such

parts, where such persons doe, or shall happen to dwell or abide, not hauing liuing otherwise to maintaine themselves, All Persones deliuered out of Gaoles that begge for their fees, or otherwise do trauel begging: All such persons as shall wander abroad begging, pretending losses by fire, or otherwise: And all such persons not being felons, wandering and pretending themselves to be *Egyptians*, or wandering in the habite, forme, or attire of counterfeiting *Egyptians*, shall be taken, adiudged, and deemed Rogues, Vagabonds, and sturdie beggers, and shall sustaine such paine and punishments, as by this Act is in that behalfe appointed.

III. And be it enacted by the authoritie aforesaid, that euery person which is by this present Act declared to be a Rogue, Vagabond, or sturdie begger, which shall be at any time after the sayd Feast of *Easter* next comming, taken begging, vagrant, wandering, or misordering themselves in any part of this Realme, or the Dominion of *Wales*, shall vpon their apprehension by the appoyntment of anie Iustice of the Peace, Constable, Headborough, or Tythingman of the same Countie, Hundred, Parish, or Tything, where such person shall bee taken, the Tythingman or Headborough, being assisted therein with the aduise of the Minister, and one other of that Parish, bee stripped naked from the middle vpwards, and shall be openly whipped vntill his or her bodie be bloudie: and shall bee forthwith sent from Parish to Parish, by the Officers of euerie the same, the next streight way to the Parish where he was borne, if the same may be knowne by the parties confession, or otherwise. And if the same bee not knowne, then to the Parish where he or she last dwelt before the same punishment, by the space of one whole yeare, there to put him, or her selfe to labour as a true subiect ought to doe: Or not being knowne where hee or shee was borne or last dwelt, then to the Parish through which hee or shee last passed without punishment. After which whipping the same person shall haue a testimoniall subscribed with the hand, and sealed with the seale of the same Iustice of the Peace, Constable, Headborough, or Tythingman, and of the Minister of the same Parish, or anie two of them, testifying that the same person hath beene punished according to this Act, and mentioning the day and place of his or her punishment, and the place whereunto such person is limited to goe, and by what time the said person is limited to passe thither at his perill. And if the said person through his or her default doe not accomplish the order appointed by the said testimoniall, Then to be esloones taken and whipped, and so as often as any default shall be found in him or her, contrary to the forme of this Statute, in euerie place to be whipped, till such person be repayred to the place limited: The substance of which testimoniall shall be registred by the Minister of that Parish, in a booke to be prouided for that purpose, vpon payne to forfeit fise shillings for euerie default thereof: And the partie so whipped and not knowne where hee or shee was borne, or last dwelt by the space of a yeare, shall
by

by the officers of the said village where he or she so last past through without punishment, be conueied to the house of correction of the limit wherein the said village standeth, or to the common gaole of that county or place, there to remaine and be employed in worke, vntill he or she shall be placed in some seruice, and so to continue by the space of one yeare, or not being able of body vntill he or shee shall bee placed, to remaine in some Almeshouse in the same countie or place.

IV. Provided alwayes, and be it enacted, if any of the said Rogues shall appeare to be daungerous to the inferior sort of people where they shall be taken, or otherwise be such as will not be reformed of their roguish kind of life, by the former prouisions of this Act, That in every such case it shall and may be lawfull to the said Iustices of the limit where any such Rogue shall be taken, or any two of them, whereof one to be of the *Quorum*, to commit that Rogue to the house of Correction, or otherwise to the gaole of the Countie, there to remaine vntill their next quarter Sessions to be holden in that Countie, and then such of the same Rogues so committed, as by the Iustices of the Peace then and there present, or the most part of them, shall be thought fit not to be deliuered, shall and may lawfully by the same Iustices or the most part of them, be banished out of this Realme, and all other the dominions thereof, and at the charges of that countrie, shall be conueied vnto such parts beyond the Seas, as shall be at any time hereafter for that purpose assigned by the priuy Counsel vnto her Maiesty, her heires or successors, or by any 6. or more of them, whereof the L. Chancellor or Lord Keeper of the great Seale, or the Lord Treasurer for the time being to be one, Or otherwise be iudged perpetually to the Gallies of this Realme, as by the same Iustices or the most part of them it shall be thought fit and expedient. And if any such Rogue so banished as aforesaid, shall returne againe into any part of this Realme or dominion of *Wales*, without lawfull licence or warrant so to doe, that in every such case such offence shall be Felony, and the party offending therein suffer death as in case of Felony: The saide Felony to be heard and determined in that County of this Realme or *Wales*, in which the offender shall be apprehended.

V. And be it also enacted by the authority aforesaid, that if any towne, parish, or village, the Constable, Headborough, or Tythingman be negligent and doe not his or their best endeouours for the apprehension of such vacabond, Rogue, or sturdy begger which there shall be found contrary to the forme of this present Act, and to cause every of them to bee punished and conueighed according to the true meaning of this present act, that then the said Constable, Headborough, or Tythingman, in whom such default shall be, shall loose and forfeit for every such default ten shillings. And also if any person or persons be in any wise disturbe or let the execution of this Law or any part thereof, concerning the punishment or conueying of Rogues, vacabonds, sturdy beggers, or the reliefe or setting of poore im-

A P P E N D I X.

potent persons in any manner of wife, or make rescuffie against any officer or person authorized by this present act for the due execution of any the premisses, the same person so offending, shall forfeit and lose for every such offence the summe of five pound, and shall be bound to the good behauiour.

VI. And be it also further enacted by the authority aforesaid, that no person or persons hauing charge in any voyage, in passing from the Realmes of *Ireland* or *Scotland*, or from the Isle of *Man* into this realme of *England*, doe wittingly or willingly bring or conuey, or suffer to be brought or conueighed in any vessell or boat from and out of the said realme of *Ireland*, *Scotland*, or Isle of *Man*, into the realme of *England* or *Wales*, or any part thereof, any vacabond, rogue, or begger, or any such as shall be forced or very like to liue by begging within the realme of *England* or *Wales*, being borne in the same realmes or Island, on paine of every such person so offending, to forfeit and loose for every such vacabond, rogue, begger, or other person like to liue by begging, twenty shillings, to the vse of the poore of the said parish in which they were set on land. And if any such Manniske, *Scottish*, or *Irish* rogue, vacabond or begger, be already, or shall at any time hereafter be set on land, or shall come into any part of *England* or *Wales*, the same, after hee or shee shall be punished as aforesaid, shall be conueyed to the next Port or Parish in or neere which they were landed or first came, in such sort as rogues are appointed to be by this present act, & from thence to be transported at the common charge of the countrey where they were set on land into those parts from whence they came or were brought. And that every Constable, Headborough, and Tythingman neglecting the due performance thereof shall forfeit for every such offence x.s.

VII. Be it further enacted by the authority aforesaid, that no diseased or impotent poore person shall at any time resort or repaire from their dwelling places to the city of *Bathe*, or towne of *Buxton*, or either of them to the Bathes there for the ease of their griefes, unlesse such person doe forbear to beg, and be licensed to passe thither by two Justices of the Peace of the County where such person doth or shall then dwell or remaine, and provided for to trauaile with such reliefe, for and towards his or her maintenance as shall be necessary for the same person, for the time of such his or her trauell, and abode at the city of *Bath* and towne of *Buxton*, or either of them, and returne thence, and shall returne home againe as shall be limited by the said licence, vpon paine to be reputed, punished & vsed as rogues, vacabonds and sturdy beggars declared by this present Acte. And that the inhabitants of the same City of *Bathe* and towne of *Buxton* shall not in any wise be charged by this Acte with the finding or reliefe of any such poore people.

VIII. Provided alwayes, that the Justices of Peace within any Countie of this Realme or *Wales*, shall not intromit or enter into any City, Borough, or Townes corporate, where be any Justice or Justices of Peace for any such Citie, Borough or Towne

Towne corporate for the execution of any branch, article or sentence of this Acte, for or concerning any offence, matter or cause growing or arising within the precincts, liberties or iurisdiccions of such Citie, borough, or townes corporate, But that it may and shall be lawfull to the Justice or Justices of the Peace, Mayors, Bayliffes, and other head officers of those Cities, Boroughes, and townes corporate, where there be such Justices of the Peace, to proceed to the execution of this Act, within the precinct and compasse of their liberties, in such maner and forme as the Justices of Peace in any County may or ought to doe within the same County, by verie of this Acte, any thing in this Act to the contrary therof notwithstanding.

IX. Provided alwaies, that this Act, or any thing therein contained, shall not extend to the poore people for the time being, in the Hospitall, called *S. Thomas Hospitall*, otherwise called the Kings Hospitall in the Borough of *Southwarke* neere adioyning to the City of *London*, but that the Mayor, commonalty and Citizens of the saide City of *London* for the time being, shall and may haue the rule, order and gouernment of the said Hospitall, and of the poore people therein for the time being, any thing in this act to the contrary notwithstanding.

X. Prouided alwaies, that this Acte or any thing therein contained, or any authority thereby giuen, shall not in any wise extend to disinherit, preiudice or hinder *Iohn Dutton* of *Dutton*, in the County of *Chester* Esquire, his heires or assignes for, touching or concerning any liberty, preeminence, authority, iurisdiction or inheritance, which the said *Iohn Dutton* now lawfully vseth, or hath, or lawfully may or ought to vse within the County Palatine of *Chester*, and the County of the City of *Chester*, or either of them, by reason of any ancient Charters of any Kings of this Land, or by reason of any prescription, vsage, or title whatsoever. And be it further enacted by the authority aforesaid, that all fines and forfeitures appointed or to grow by this present act, (except such as are otherwise limited & appointed by this present Act) shal wholly go & be imploied to the vse of the reparations & maintenance of the said houses of correction, & stocke & store thereof, or reliefe of the poore where the offence shal be committed at the discretion of the said Justices of the peace of the same limit, citie, borough or towne corporat, And that all fines & forfeitures appointed or to grow by conuiction of any person according to this present Act, shall by warrant vnder the hands and seales of any two or more of the Justices of the peace of the same County, city, borough or towne corporat, be leued by distresse and sale of the goods & chattels of the offender, which sale shal be good in the Law against such offender. And that if any of the said offences shal be confessed by the offender, or that the same shal be proued by two sufficient & lawfull witnessses, before such two or more Justices of the Peace, that then euery such person shall forthwith stand and be in the Lawe conuicted thereof.

XI. And bee it further enacted by the authoritie aforesaidē, that any two or more Justices of the Peace within all the said feuerall shires, cities, boroughs or townes corporat, whereof one to be of the *Quorum*, shall haue full power by authority of this present Acte, to heare and determine all causes that shall grow or come in question by reason of this Act.

XII. And be it also further enacted by the authority aforesaid, that the Lord Chancellor or Keeper of the great Seale of *England* for the time being, shall & may at all times hereafter by vertue of this present Act, without further warrant, make, and direct Commission or Commissions vnder the great Seale of *England*, to any person or persons, giuing them or some of them thereby authority, aswell by the oathes of good and lawfull men, as of witnesses or examination of parties, or by any other lawfull waies or meanes whatsoeuer, to enquire what sums of money or other things haue bene or shall be collected or gathered for, or towards the erection of any houses of Correction, or any stockes or other things to set poore on worke, or for the maintenance thereof, at any time after the seuenteenth day of *November*, in the eighteenth yeere of the raigne of the Queenes most excellent Maieslie, and by whom the same were or shall bee collected or gathered, and to whose hands comen, and to what vse, and by whose direction the same was or shall be employed. And to call all and euery such person and persons, and their sureties, and every of their Executors or Administrators to accompt: And to compell them and euery of them by attachment of their goods or bodies to appeare before them for the same, and to heare and determine the same, and to leuie such money and things as they shall finde not to haue bin duly employed vpon the said Houses of Correction, or Stocks, or vpon other like vses, hauing in such other like vses respect of things past by the said Commissioners to be allowed of, either by distresse and sale of the goods and chattels of such persons as they shall thinke fit to be chargeable or answerable for the same, or by imprisonment of their bodies at their discretion: And that the said Commissioners shall haue full power and authority to execute the same Commission according to the tenor and purport thereof: And that all their proceedings, doings, iudgements, and executions by force and authority thereof, shall be and remaine good and auailable in the law: which said money so leuied by the said Commissioners, shall be deliuered and imployed for the erecting or maintenance of the same.

XIII. Provided alwayes, neuerthelesse, that euery Sea-faring man suffering shipracke, not hauing wherewith to relieue himselfe in his trauels homewards, but hauing a testimonial vnder the hand of some one Justice of the Peace, of or neere the place where he landed, setting downe therein the place and time where and when he landed, and the place of the parties dwelling or birth, vnto which hee is to passe, and a ~~convenient~~ time therein to bee limited for his passage, shall and may without incurring the danger and penyty of this Act in the vsuall wayes

vayes directly to the place vnto which he is directed to passe, and within the time in such his testimoniall limited for his passage, aske and receiue such reliefe as shall be necessary in and for his passage.

XIV. Prouided also, that this Statute nor any thing therein conteined, shall extend to any children vnder the age of seuen yeeres, nor to any such glassemen as shall be of good behauour, and doe trauell in or through any Countrey without begging, hauing licence for their traouelling vnder the hands and seals of three Iustices of the Peace of the same Countie where they trauell, whereof one to be of the *Quorum*.

XV. And be it also further enacted by the authority aforesaid, that this present Act shal be Proclaymed in the next quarter Session or Sessions in euery County, and in such other Market townes or places, as by the more part of the Iustices of the Peece in the said Sessions shall be agreed and appointed. This Act to endure to the end of the first Session of the next Parliament.

13 CAR. 2. ft. 1.

An Act for ascertayning and establisshing the fees of the Masters of the Chancery in Ordinary.

From the Parliament Rolls.

WHEREAS the Office of the Masters of the Chancery in Ordinary is of very antient Institution and of necessary use and continuall attendance for the Dispatch of the Business depending in that Court It appearing by ancient Records That the Constitution of that Court was long before the Conquest much of the Duty Paines and Attendance whereof lyeth on the said Masters And for that it conduceth much to the due Administration of Justice. That those who exercise Places of Trust should have competent and certaine rewards suitable to their Paynes and Labour whereby they may in due manner support the quality of their Places And that it is but fitting and necessary for the Subject to allow a moderate Payment where they receive a proportionable advantage (a Fee of Four Pence in tymes of that Antiquity being as much in Value as Two Shillings now) by reason whereof in Procefs of Tyme and the improved Rate of all necessities the present recompence of those ancient Officers is noe way competent and proportionable to their Paynes and Attendance which are likewise very much increased without any increase hitherto of what was soe antiently allowed as aforesaid And for that it appeares that in all other Courts at *Westminster* there is Twelve Pence taken for every Affidavitt And for that it hath bin found inconvenient for Suiters to put in Answers or returne Comissions in the private Studdyes of the Masters So that through the Difficulty of finding such Answeres and Comissions (with what Master they were left) or through the Masters absence at such tyme as they are called for It frequently happens the persons (conceiued to be

be in contempt) are exposed to much trouble and charge thereby And for that it is more proper safe and satisfactory to the Subject in Generall That Affidavits Answers Recognizances and Acknowledgments of Deeds should be dispatched in some publique certaine and open Place where the Persons that doe the same may be publicly seene and knowne rather then in private Studdies or Houses For the more proper and solemne dispatch of the aforesaid Busineses And for the better incouragement of the said Masters in the due discharge of their Places Be it Enacted by the Kings most Excellent Majesty by and with the advice and consent of the Lords and Commons assembled in Parliament ~~at~~ by the authority of the same That from and after the Three and twentieth Day of *October* in this present yeare of Our Lord One Thousand Six Hundred Sixty and One there shall be One Publique Office kept and no more as nere to the Rolls as conveniently may be In which the said Masters some or One of them shall constantly attend for the administring of Oathes Caption of Deeds and Recognizances and the Dispatch of all Matters incident to their Office (references upon accounts and insufficient answers onely excepted) from the houres of Seaven of the Clock in the Morning untill Twelve at Noone and from Two in the afternoone untill Six at Night and that from henceforth it shall and may be lawfull to and for the Masters of the Chancery in Ordinary now being And which hereafter for the tyme to come shall be to demand and take the severall Fees hereafter expressed That is to say For every Affidavit or Oath taken in the said Office Twelve Pence For every Bill of Costs to be taxed by them for the Plaintiffes not putting in his Bill Or not proceeding to reply or for the Defendants not appearing in due tyme Two Shillings and Six Pence For the acknowledgment of every Deed to be enrolled Two Shillings for the Caption of every Recognizance two Shillings for every Exemplification examined by Two of the said Masters to each of the said Masters who shall examine the same for every Skin of Parchment soe examined Two Shillings For every Report or Certificate to be made in Pursuance of any Order made upon the hearing of the Cause Twenty Shillings And for every other Certificate or report of any Order made upon Petition or motion onely Tenne Shillings to be paid by the Party that takes out the Report or Certificate any Law Statute or Custome to the contrary hereof in any wise notwithstanding And be it further Enacted by the authority aforesaid That if the said Masters of the Chancery or any of them shall hereafter directly or indirectly by any Art Shift Colour or D-vise have take or receiv'd any Money Fee Rewarde Covenant^a Obligation Promise or any other thing for his Report or Certificate in Writing or otherwise or for any other the Matters in this Act expressed other then the respective Fee or Fees in this Act before mentioned that then every such Master being thereof ~~any~~ convicted shall thenceforth be disabled from the Execution of his said Office of Master of the Chancery in ordinary and also shall forfeite

forfeite and loose for every such offence to the Party grieved in that behalfe soe much Money as he or they shall take contrary to this present Act And more over shall loose and forfeite One Hundred Pounds Sterling whereof One moyety shall be to Our Soueraigne Lord the King his Heirs and Successors and the other moyety to the Party grieved in that behalfe who shall sue by Action of Debt Bill Plaint Information or otherwise in any of the Kings Courts for the recovery of the same in which Action no essoine protection or wager of Law shal be allowed And be it further Enacted by the authority aforesaid That before the Feast Day of All Saints next ensuing there shall bee sett up in the publike Office aforesaid and in the Chappell of the Rolls severall Tables containing the severall Fees in this Act before mentioned to the intent that all Parties concern'd may take Notice thereof.

Anno Regni GULIELMI & MARIAE, Regis & Reginae Angliae, Scotiae, Franciae, & Hiberniae, Quarto.

At the Parliament begun at *Westminster* the Twentieth day of *March*, Anno Dom. 1689. in the Second year of the Reign of our Sovereign Lord and Lady, *William and Mary*, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c. And from thence Continued by severall Prorogations and Adjournments to the Fourth day of *November*, 1692, being the Fourth Session of this present Parliament.

C A P. I.

An act for granting to their Majesties an aid of four shillings in the pound for one year, for carrying on a vigorous war against France.

WE your Majesties most dutiful and loyal subjects, the commons assembled in parliament, having seriously considered of the great occasions which engage your Majesties to many extraordinary expences for the necessary defence of your realms, and the prosecution of a vigorous war against *France*, have cheerfully and unanimously given and granted unto your Majesties the rates and assessments hereafter mentioned. And we most humbly beseech your Majesties, that it may be enacted;

II. And be it enacted by the King and Queen's most excellent Majesties, by and with the advice and consent of the lords spiritual and temporal and commons in this present parliament assembled, and by the authority of the same, That their Majesties shall have and receive the rates and assessments hereafter mentioned, of and from every person spiritual and temporal, of what

All persons, bodies politic, &c. having any estate in ready moneys or debt, or having any estate in goods, wares, or other personal estate whatsoever, deducting moneys *bona fide* owing, and desperate debts. And except stock upon land and household-stuff, and the joynt stocks of companies, which shall be otherwise charged by name in any act of this session, shall pay 2s. for every 100 l.

Persons having any office or employment of profit (except military officers in muster and pay in the army or navy) to pay 4s. in the pound for salaries or profits.

All manors, lands, tenements, yearly profits and hereditaments

what estate or degree soever he or they be; which said rates or assessments shall be taxed, assessed, levied and paid into their Majesties receipt of exchequer, according to the tenor of this act, and in manner and form following, (that is to say) That all and every person and persons bodies politick and corporate, guilds and fraternities within this kingdom of *England*, dominion of *Wales*, and town of *Berwick upon Tweed*, having any estate in ready moneys, or in any debts whatsoever owing to them, within this realm or without, or having any estate in goods, wares, merchandises, or other chattels or personal estate whatsoever, within this realm or without, belonging to or in trust for them (except and out of the premises deducted such sums of money as he or they do *bona fide* owe, and such debts owing to them as shall be adjudged desperate by the commissioners appointed by this act; and also the stock upon lands and such goods as are used for household-stuff; and also other than, and except the joynt stocks or shares of such bodies corporate, companies or fraternities as shall be otherwise charged by name in any other act to be made during this present session of parliament) shall yield and pay unto their Majesties four shillings in the pound, according to the true yearly value thereof, for one year; (that is to say) For every hundred pounds of such ready money and debts, and for every hundred pounds worth of such goods, wares, merchandises, or other chattels, or other personal estate, the sum of four and twenty shillings; and so after that rate for every greater or lesser sum or quantity, to be assessed, levied and collected in manner hereafter mentioned.

III. And be it further enacted by the authority aforesaid, That all and every person and persons, commissioner or commissioners, having, using, or exercising any publick office or employment of profit (such military officers, who are or shall be in muster by the muster master general of the army, or in pay in their Majesties army or navy in respect of such offices only excepted) and all and every their agents, clerks, secondaries, substitutes, and other inferior ministers whatsoever, shall yield and pay unto their Majesties the sum of four shillings for every twenty shillings, which he or they do receive in one year, by virtue of any salaries, gratuities, bounty money, reward, fees or profits to him or them accruing, for or by reason or occasion of their several offices or employments, to be assessed, imposed, levied and collected, in such manner as hereafter is mentioned.

IV. And to the end a further aid and supply for their Majesties occasions may be raised, by a charge upon all lands, tenements and hereditaments, with as much equality and indifferency as is possible, by a pound rate of four shillings for every twenty shillings, of the true yearly value for one year only and no longer; be it further enacted by the authority aforesaid, That all and every manors, messuages, lands and tenements: as also all quarries, mines of coal, tin or lead, copper, moun-
dick iron, or other mines, iron works, salt springs and salt works; all allom mines or works; all parks, chaces, warrens, woods,

woods; underwoods, coppices, and all fishings, tythes, tolls, annuities, and all other yearly profits; and all hereditaments of what nature or kind soever they be, situate, lying and being, happening or arising, within the kingdom of *England*, dominion of *Wales*, or town of *Berwick upon Tweed*, or within any the counties, cities, burroughs, towns, divisions, ridings, hundreds, lathes, wapentakes, parishes and places thereof, as well within ancient demesne, and other liberties and privileged places, as without, shall be, and are hereby charged for one year only, and no longer, with the sum of four shillings for every twenty shillings, of the full yearly value, and so in proportion for any greater or lesser value; and all and every person and persons, bodies politick and corporate, guilds, mysteries, fraternities and brotherhoods, whether corporate or not corporate, having or holding any manors, messuages, lands, tenements, hereditaments, or other the premises, shall yield and pay unto their Majesties the sum of four shillings for every twenty shillings by the year, which the said manors, messuages, lands, tenements, hereditaments and other the premises are now worth to be leased, if the same were truly and *bona fide* leased or demised at a rack rent, and according to the full true yearly value thereof, without any respect had to the present rents reserved for the same, if such rents have been reserved upon such leases or estates made, for which any fine or income hath been paid or secured, or have been lessened or abated upon consideration of money laid out or to be laid out in improvements, and without any respect had to any former rates or taxes thereupon imposed, or making any abatement in respect of reparations, taxes, parish duties or any other charges whatsoever, which said sum of four and twenty shillings for the yearly profit of every hundred pounds value of all personal estates, as aforesaid, and four shillings for every twenty shillings by the year of the said true yearly value of all other the premises shall be assessed, levied and collected in manner hereafter mentioned, and shall be paid into the receipt of their Majesties exchequer by four quarterly payments; the first payment thereof to be made upon the five and twentieth day of *March*, which shall be in the year of our Lord, one thousand six hundred ninety three.

Charged with 4s. in the pound of the true yearly value. All persons, bodies politick, &c. to pay 4s. in the pound, of what now is worth to be leased *bona fide* at a rack-rent, &c.

without respect to repairs, taxes, parish duties or other charges.

To be paid at four quarterly payments. The first payment the 25th of March, 1693.

Where lands, &c. are subject to rents charges, annuities, or other rents.

V. And whereas many of the manors, messuages, lands, tenements, tythes, hereditaments and premises, intended by this act to be charged with the pound rate, as aforesaid, stand incumbered with or are subject and liable to the payment of several rent-charges or annuities issuing out of the same, or to the payment of divers *see-farm* rents, rents service or other rents thereupon reserved or charged, by reason whereof the true owners and proprietors of such manors, messuages, lands, tenements, hereditaments and premises do not in truth receive to their own use the true yearly value of the same, for which nevertheless they are by this act charged to pay the full pound rate of four shillings for every twenty shillings of the true yearly value: It is therefore declared and enacted by the authority aforesaid, That it shall and may be lawful to and for the landlords, owners and proprietors

The landlords and owners to deduct 4s. in the pound for of such rents,

which shall be allowed by the persons intitled to such rents upon payment of the residue.

of such manors, messuages, lands, tenements, hereditaments and premises as are charged with the pound rate, as aforesaid, to abate and deduct and to retain and keep in his or their hands four shillings in the pound for every fee-farm rent or other annual rent or payment charged upon or issuing out of the premises, or any part thereof or thereupon reserved; and all and every person and persons, who are or shall be any way intitled to such rents and annual payments, are hereby required to allow such deductions and payments, upon the receipt of the residue of such moneys as shall be due and payable to them for such rents or annual payments reserved or charged, as aforesaid.

VI. And be it further enacted by the authority aforesaid, That for the better assessing, ordering, levying and collecting of the several sums of money so as aforesaid limited and appointed to be paid, and for the more effectual putting of this present act in execution, all and every the persons hereafter named shall be commissioners of and for the several and respective counties, cities, burroughs, towns and places hereafter mentioned.

Here follow the commissioners names.

Commissioners to meet upon the 15th of Feb. and then to divide themselves for the execution of the act; such division not to restrain commissioners from acting in any other part of the county. Direct precepts to such inhabitants, &c. as they shall think convenient, requiring them to appear at a place and time not exceeding ten days. Then to read the rates, and charge them with the execution of the act.

Which said commissioners so, as aforesaid, nominated and appointed, shall in the respective counties, cities, boroughs, divisions, towns and places for which they are appointed commissioners respectively, meet together at the most usual and common place of meeting within each of the said counties, cities, boroughs, towns, divisions and places respectively, upon the fifteenth day of *February*, which shall be in the year of our Lord, one thousand six hundred ninety and two, and the said commissioners, or so many of them as shall be present at the first general meeting, or the major part of them, may by their consents and agreements divide, as well themselves, as other the commissioners not then present, for the execution of this act, into hundreds, lathes, wapentakes, rapes, wards, towns, and other places within their limits, privileged or not privileged in such manner and form as to them shall seem expedient (nevertheless not thereby to restrain the said commissioners from acting as commissioners, in any other part of the county or place for which they are nominated) and shall direct their several or joynnt precept or precepts to such inhabitants, high constables, petty constables, bayliffs and other like officers, and ministers, and such number of them as they in their discretion shall think most convenient, requiring them to appear before the said commissioners at such place and time (not exceeding ten days, as they shall appoint. And at such their appearances, the said commissioners shall openly read or cause to be read unto them the rates and assessments in this act mentioned, and also openly declare the effect of their charge to them, and how and in what manner they ought and should make their certificates, and how they ought to proceed in the execution of this act, according to the rates aforesaid.

afotefaid. And if any high constables, petty constables, bay-
liffs, inhabitants or other officers or ministers, to whom any
precept shall be directed, shall absent themselves without lawful
excuse to be made out by the oaths of two credible witnesses
(which oaths the commissioners or any two of them are hereby
impowered to administer) or if any person appearing shall refuse
to serve, then every such person so making default, or refusing
to serve, shall for every time of such default or refusal forfeit
and lose unto their Majesties such sums as the commissioners,
or so many as shall be present, or the major part of them being
present, shall think fit, not exceeding the sum of five pounds,
nor less than forty shillings. And at and after such general
meeting had, and charge given, as aforesaid, the said commis-
sioners shall take care that warrants be issued forth and directed
to two at the least of the most able and sufficient inhabitants of
each parish, township or place within the respective divisions,
thereby appointing and requiring them to be assessors of all and
every the rates and duties by this act imposed, and shall therein
also appoint and prefix a certain day and place for the said as-
sessors to appear before them, and to bring in their certificates
in writing of the names and surnames of every person dwelling
and residing within the limits of those places with which they
shall be charged, and of the substance and values of every of
them in ready money, debts, goods, chattels or other personal
estate whatsoever (except before excepted) or in publick offices
or employments of profit. And the said assessors are therein al-
so to be required, and are hereby enjoined to ascertain and in-
form themselves, by all lawful ways and means they can, of the
true and full yearly value of all manors, messuages, lands and
tenements, as also of all quarreys, mines of coal, tin or lead,
copper, mundick or other mines, iron works, salt springs, and
salt works, allom mines and works, parks, chafes, warrens,
woods, under-woods and coppices, and all fishings, tythes,
tolls, annuities and other yearly profits, and of all heredita-
ments of what nature or kind soever situate, lying and being,
happening or arising within the limits of those places with which
they shall be charged: and being so thereof ascertained, they
are to assess all and every the said manors, messuages, lands, te-
nements and premisses before appointed to be charged after the
rate of four shillings for every twenty shillings of the full yearly
value, as the same are let for, or worth to be let at the time of
assessing thereof, as aforesaid, and to bring with them, at the
time and place so, as aforesaid, prefixed for their appearance, a
certificate in writing of the said assessment, and shall then also
return the names of two or more able and sufficient persons liv-
ing within the limits and bounds of those parishes, townships,
constablewicks or places where they shall be chargeable respec-
tively, to be collectors of the moneys, to be paid to their Ma-
jesties by this act; for whose paying in to the head collector in
manr. hereafter mentioned, such moneys as they shall be
charged withal, the parish or place wherein they are so employ-
ed

Persons to whom pre-
cepts directed, ab-
senting without ex-
cuse, to forfeit a sum not ex-
ceeding 5l. nor less than 40 s.

At or after such general meeting, com-
missioners to direct war-
rants to two of the most suffi-
cient inhabi-
tants of each parish, &c.
requiring them to be as-
sessors, and to prefix
the assessors a day and place
to bring in cer-
tificates in writing of the
names of per-
sons in the li-
mits, and of
their sub-
stances in ready money,
debts, goods,
chattels, or o-
ther personal
estate, or in
offices or im-
ployments of
profit.
The assessors
to inform
themselves by
all lawful ways
of the full
yearly value
of all manors
and heredita-
ments.
And then to
assess after the
rate of 4 s. per
pound, of the
full yearly va-
lue, and to bring
at the time
ed prefix'd a cer-

certificate of the assessor, and to return two or more able persons to be collectors; for whose payment to the head collectors the parish or place to be answerable. Assessors neglecting or refusing to serve, or making default, forfeit a sum not exceeding 20l. or less than 10l. to be levied by distress & sale of goods, and to be charged upon the receiver general, together with the rates and assessments. Every assessor before he acts

shall be answerable. And if any assessor so, as aforesaid, appointed or to be appointed shall neglect or refuse to serve, or shall make default at the time appointed for his appearance (not having a lawful excuse to be witnessed by the oaths of two credible witnesses, which the said commissioners or any two of them have power to administer) or shall not perform his duty, every such assessor shall for every such neglect, refusal or default; forfeit and lose unto their Majesties such sum as the commissioners, or so many of them as shall be present, or the major part of them shall think fit, not exceeding the sum of twenty pounds, nor under the sum of ten pounds, to be levied by distress and sale of the offenders goods and chattels, in like manner, as by this act is appointed for levying the several rates and assessments herein mentioned, in case of neglect or refusal of payment, and to be charged upon the respective receivers general, together with the said rates and assessments. And every assessor so as aforesaid appointed, or to be appointed, shall before he take upon him the execution of the said employment take the oaths mentioned and required to be taken, by an act made in the parliament held in the first year of their Majesties reign, entitled, *An act for the abrogating the oaths of supremacy and allegiance, and appointing other oaths*, (which oaths any two commissioners in the county where the said assessment is to be made, have hereby power, and are required hereby to administer.) to take the oaths.

Certificates of the assessments to be returned to the courts before the 28th of Feb. unless commissioners give further time.

VII. And be it further enacted by the authority aforesaid, That the rates and assessments upon all ready moneys, debts, goods, chattels, personal estates, and publick offices and employments of profit, charged by this act, shall be ascertained, and the certificates thereof returned to the commissioners upon or before the eight and twentieth day of *February*, one thousand six hundred ninety two, unless the commissioners shall think fit to give further time: and also the taxations and assessments of the pound rate of four shillings in the pound of the yearly value of all manors, messuages, lands, tenements, hereditaments and premisses charged by this act, shall be made and ascertained, and the several and respective certificates thereof returned into the commissioners, upon or before the eight and twentieth day of *February*, aforesaid, unless the commissioners shall think fit to give further time. And upon return of any such certificate, the commissioners, or any three or more of them, shall and may (if they see cause) examine the presenters thereof. And if the said commissioners, or any three or more of them, within their several limits, at the time of the return of the certificates, as aforesaid, or within twenty days after, shall know or have good cause to suspect, That any person or persons, or any the manors, messuages, lands, or other the premisses, which ought to be mentioned and charged in the said certificates, is or are omitted; or that any person or persons in the said certificates mentioned, is or are of a greater estate; or that any the said manors, or other premisses, are of a greater yearly value than

On return of the certificates, the commissioners or any three may examine the presenters. If the commissioners shall suspect that any persons or lands which ought to be charged are omitted, or any person

than in the said certificate is mentioned, the said commissioners, or any three or more of them shall have power to summon such person or persons, and the owners or possessors of such manors or other premises to appear before them at a day and place prefixed, to be examined touching the matters aforesaid. And if the person or persons summoned, to be so examined shall neglect to appear (not having a reasonable excuse for such his default) every person so making default, shall pay to their Majesties double the sum he should or ought to have been set at or rated. And moreover the commissioners, or the major part of so many of them as shall be present, shall have power by all lawful ways and means to examine into the estate of such person, and the value of such premises chargeable by this act, and to set such rate or rates upon the same, as shall be according to the true intent of this act. And the said assessors are hereby required to give one copy of their certificates or assessments fairly written and subscribed by them unto the said commissioners, by whom they were appointed. And the said commissioners, or any two or more of them are hereby ordered and required to cause the said several and respective assessments to them delivered (when by them approved of, or altered, according to the true intent of this act) to be fairly written, to sign and seal several duplicates or copies of the said assessments, and one of them so signed and sealed forthwith to deliver, or cause to be delivered unto the subcollectors, and shall likewise deliver or cause to be delivered other copies thereof so signed and sealed unto the head collectors and receivers general, according to their several and respective collections and receipts. And moreover, the commissioners shall cause a true copy or extract of the whole sums assessed and charged within every hundred, lathe, wapentake, parish, ward, or place, rated or assessed in pursuance of this act, and of the whole sums rated or assessed upon personal estates, offices, or employments, to be certified, and transmitted into their Majesties court of exchequer, under the hands and seals of any two or more of the commissioners, but without naming the persons in such their certificates. And this the said commissioners shall cause to be done upon or before the twentieth day of *March* then next ensuing, or within thirty days after (all appeals to them made being first determined) And the Kings remembrance in the exchequer, for the time being, shall, and is hereby required, within three months after the duplicates of the last payment shall be transmitted to him, to transcribe all the schedules and duplicates of the sums returned to him from and for every respective county, riding, city and town, and every hundred, wapentake, parish, division, town and place therein, in a book of parchment in alphabetical order, and in a fair legible handwriting; and within three months after the same shall be so by him received, to transmit all and every the same schedules and duplicates to the office of writer of the tallies, commonly called the auditor of the receipt of the exchequer, who is hereby likewise authorized and required to enter the same

of a greater estate or lands of a greater yearly value than mentioned in the certificates, commissioners or any three or more have power to summon such person and owners of lands to appear at a day and place prefixed to be examined touching the said matters. Persons summoned not appearing (nor having a reasonable excuse) to pay double the sum he ought to be rated, Commissioners or the major part present have power to examine into the estate of such person, and the value of the premises, and to set such rates according to the intent of the act. Assessors to give one copy of their assessments to the commissioners. Commissioners to cause the same to be fairly written, and sign and seal duplicates. One to be delivered to the subcollectors. Others to the head collectors and receivers general. Commissioners to cause an extract of the whole sums

charged, &c. same in the like alphabetical order in another book of parchment fairly written, to be provided for that purpose.

to be certified into the exchequer before the twentieth day of March, or within thirty days after. Kings remembrancer within three months to transcribe the duplicates, &c. And within three months after to transmit the same to the officers of the receipt.

Commissioners to issue warrants to the subcollectors for levying, &c.

Subcollectors to levy and collect according to their duplicates, and make demand of the rates on personal estates and offices of the parties themselves, if they can be found, to be paid to the collectors before the 10th of March.

Head collectors to hasten the subcollectors.

In case of neglect of the subcollectors the sums to be levied by distress and sale of goods.

Head collectors to pay in to receiver general before the 20th of March.

Receiver to pay into the receipt of the exchequer before the 25th of March. Times for the 2d quarterly payment.

VIII. And be it further enacted by the authority aforesaid, That the commissioners, or any two or more of them shall issue out their warrants or estreats to the subcollectors, under their hands and seals, thereby requiring them to levy and collect one fourth part of the rates and assessments in respect of their personal estates, offices and employments, and also one fourth part of the pound rate charged upon all manors, messuages, lands, tenements, and hereditaments, and premises, as aforesaid. And the said subcollectors are hereby required and enjoined to levy and collect the same, according to the duplicates thereof by them received, and according to the intent and directions of this act; and to make demand of the said rates and assessments upon personal estates, offices and employments, of the parties themselves if they can be found, or otherwise at the place of their last abode; and to pay the same unto their respective head collectors, on or before the tenth day of *March*, one thousand six hundred ninety three, or within twenty days after. And the said head collectors are to hasten the said subcollectors, and in case the same shall not be collected by reason of neglect or failure of duty of the said subcollectors, the said head collectors are to levy by warrant under the hands and seals of any two or more of the said commissioners, by distress upon the subcollectors respectively, such sum and sums of money, as by him and them ought to have been paid, and is or are not paid, by reason of his failure in doing his duty, according to the directions of this act. And every head collector is hereby required to make payment, of what shall be so levied or received, unto the receiver general of the said county, city or place, upon or before the twentieth day of *March* aforesaid, or within twenty days after. And the receiver general is likewise required to call upon and hasten the said head collectors, and to pay what he shall receive from the said head collectors unto their Majesties receipt of exchequer, upon or before the five and twentieth day of *March* aforesaid, or within twenty days after, to the end that the first payment of the said rates and assessments may by that time be fully answered and paid in to their Majesties. And the subcollectors shall also levy the second quarterly payment of the said rates and assessments, charged as aforesaid, upon or before the second day of *June* then next ensuing, or within twenty days after, and shall also pay the same in to the head collectors upon or before the ninth day of *June* aforesaid, or within twenty days after. And the said head collectors shall make payment thereof to the receiver general of the said county, city or place, upon or before the sixteenth day of *June* aforesaid, or within twenty days after. And the said receiver general is also required to make payment of all which he shall so receive into their Majesties

Majesties receipt of exchequer, upon or before the four and twentieth day of *June* aforesaid, or within twenty days after; to the end that the second payment of the said rates and assessments so charged, as aforesaid, may by that time be fully answered and paid in to their Majesties. And the said subcollectors are also required and enjoined to levy one other quarterly payment of the said rates and assessments charged, as aforesaid, upon or before the fourth day of *September* then next ensuing, and shall also pay the same unto the said respective head collectors on or before the twelfth day of *September* aforesaid, or within twenty days after. And the said head collectors are to hasten the said subcollectors; and in case the same shall not be collected by reason of neglect or failure of duty in the said subcollectors, the head collectors are to proceed against them by distress in like manner, and by like warrant, as aforesaid. And every head collector is hereby required to make payment of what shall be so levied or received unto the receiver general of the said county, city, or place, upon or before the twentieth day of *September* aforesaid, or within twenty days after. And the receiver general is likewise required to call upon and hasten the said head collectors, and to pay what he shall receive from the said head collectors into their Majesties receipt of exchequer, upon or before the nine and twentieth day of *September* aforesaid, or within twenty days after, to the end that the third payment of the said rates and assessments may by that time be fully answered and paid in to their Majesties. And the subcollectors shall also levy one other quarterly payment of the said rates and assessments charged, as aforesaid, upon or before the second day of *December* then next ensuing, or within twenty days after, and shall also pay the same unto the said head collectors upon or before the ninth day of *December* aforesaid, or within twenty days after. And the said head collectors shall make payment thereof to the receiver general of the said county, city or place, upon or before the sixteenth day of *December* aforesaid, or within twenty days after. And the said receiver general is also required to make payment of all which he shall so receive into their Majesties receipt of exchequer, upon or before the five and twentieth day of *December* aforesaid, or within twenty days after; to the end that the fourth and last quarterly payment of the said rates and assessments so charged, as aforesaid, may by that time be fully answered and paid in to their Majesties. And all commissioners, collectors and receivers are hereby required and enjoined to apply themselves with all diligence to the most speedy and effectual execution of their several and respective duties, and to use their utmost endeavours that all estates herein charged may equally pay the rates and assessments according to the direction of this act, that so their Majesties service herein may not be delayed or hindered through any of their wilful neglect or default.

Times for the
3d quarterly
payment.

Times for the
last quarterly
payment.

All persons
concerned in
the execution
of this act to
use diligence,
&c.

IX. And it is further enacted and declared by the authority aforesaid, That the moneys received by the subcollectors, with-

Head collectors receipt a discharge to the subcollector.

Subcollector to have 3 d. in the pound for what he receives.

Head collector to be appointed by receiver.

No subcollector to be forced to travel above 10 miles.

Commissioners clerks to have one penny per pound for writing the warrants, &c.

In case of non payment collectors to distrain, and to keep the distress 4 days at the owners charge, then to be appraised and sold, and the overplus restored.

in their respective divisions or hundreds, shall from time to time be duly paid to the head collectors, whose receipt shall be a sufficient discharge unto every such subcollector, which subcollector for gathering the said particular sums shall retain in his hands for every twenty shillings by him so paid three pence, as a reward for his pains and service. And the head collectors shall accordingly pay over the said moneys unto the receiver general of each county, city, or place respectively, in manner aforesaid; (which head collector or collectors shall be nominated and appointed by the receiver general of the respective counties, which said receiver general shall be answerable for all such sums of money as shall be by him or them collected or received. And that no subcollector shall be enforced to travel above the space of ten miles for the payment of the said moneys that shall be by him collected or received; and the said receiver generals acquittance shall be a sufficient discharge unto every such head collector. And the receiver general shall pay the whole sum by him received into the receipt of their Majesties exchequer in such manner, and at or before such days and times as are herein before limited; and shall have an allowance of two pence in the pound for all moneys, which shall be by him paid into the receipt of the exchequer upon or before the times prefixed in this act.

X. And for the careful writing and transcribing the said warrants, certificates, estreats and duplicates in due time, it is further enacted, That the commissioners clerks, who shall respectively perform the same, shall by warrant under two or more of the commissioners hands, have and receive from the respective receivers general, one penny in the pound of all such moneys as he or they shall have received by virtue of such warrants and estreats, who are hereby appointed and allowed to pay the same accordingly. And if any person shall neglect or refuse to pay the several rates and assessments, wherewith he is charged by this act for or in respect of his personal estate, offices, or employments, and which he ought to pay; or if the pound rate, or any payment thereof so, as aforesaid, charged upon any manors, messuages, lands, tenements, hereditaments and premises shall be neglected or refused to be paid, then upon demand made by the officer or collector of the place, according to the precept or estreat to him delivered by the said commissioners, he shall and may be lawful to and for such officer or collector, and he and they is and are hereby required for non-payment thereof to distrain the person or persons so refusing or neglecting to pay, by his or their goods or chattels, or to distrain upon the messuages, lands, tenements and premises so charged, and the goods and chattels then and there found, and the distress taken, to keep by the space of four days at the costs and charge of the owner thereof. And if the said owner do not pay the sum of money, due by this act, within the said four days, then the said distress to be appraised by two or three of the inhabitant where the said distress is taken, and to be sold by the said officer c

collector, for the payment of the said money, and the overplus coming by the said sale, if any be over and above the charges, and of taking and keeping the distress, to be immediately restored to the owner thereof. And moreover it shall be lawful to break open in the day time any house, and upon warrant under the hands and seals of any two or more of the said commissioners, any chest, trunk or box, or other things where such goods are, calling to their assistance the constables, tythingmen or headboroughs, within the counties, towns or places, where any refusal, neglect or resistance shall be made; which said officers are hereby required to be aiding and assisting in the premises.

Lawful to break open houses in the day time, and by warrant from two commissioners any chest, &c. calling to assistance the constables, &c.

XI. And be it further enacted by the authority aforesaid, That where any person or persons chargeable with any rates or assessments by this act imposed shall be under the age of one and twenty years, in every such case, the parents, guardians, or tutors of such infants respectively, upon default of payment by such infants, shall be and are hereby made liable to and chargeable with the payments which such infants ought to have made; and if such parents, guardians or tutors shall neglect or refuse to pay, as aforesaid, it shall and may be lawful to proceed against them in like manner, as against any other person or persons making default of payment, wherein before appointed. And all parents, guardians or tutors making payment, as aforesaid, shall be allowed all and every the sums so paid for such infants upon his and their accounts. And the several and respective tenants of all and every the manors, messuages, lands, tenements, hereditaments and premises which by virtue of this act shall be chargeable with any pound rates, as aforesaid, are hereby required and authorized to pay such sum or sums of money as shall be rated upon such manors, messuages, lands, tenements, hereditaments and premises, and to deduct out of their rents so much of the said rates, as in respect of the said rents payable for such manors, messuages, lands, tenements, hereditaments or premises the landlord should and ought to bear. And all landlords, both mediate and immediate (according to their respective interests) are hereby required to allow such deductions and payments, upon receipt of the residue of the rents: and every tenant, paying the said assessments of the pound rates, shall be and is hereby acquitted and discharged for so much money as the said assessment shall amount unto, as if the same had been actually paid unto such person or persons unto whom his rent should have been due and payable.

Parents and guardians to pay the rates imposed on infants;

and upon neglect or refusal to be proceeded against as other defaulters.

Sums paid to be allowed upon their accounts.

Tenants to pay the rates, and to deduct it out of their rent to the landlords,

XII. And be it further enacted, That every person rated or assessed for his office or employment shall be rated and pay for his said office and employment in the county, city or place where such office, or employment is executed. And every person who is or shall be rated for or in respect of any personal estate to him any way belonging, shall be rated at such place where he or she shall be resident at the time of the execution of this act. And all persons not being householders, nor having a certain place of residence, shall be taxed at the place where

Persons to be rated for offices at the places where executed, and for personal estates where they shall be resident.

Persons not householders at

the place where they shall be resident at the execution of the act.

Person out of the realm to be rated for

Any person having goods, wares, or merchandizes in any county or counties other than the county (other than the county wherein he lives) to be rated in the county where the goods are. Persons to be rated for lands, &c. in the place where such lands lie.

Any person in respect of several places of residence being doubly charged for his personal estate upon certificate and oath thereof, to be discharged for so much.

Any person who by changing his place of residence or other fraud, shall escape being taxed, upon proof thereof to be doubly charged.

Every household to give an account of his lodgers to the assessors.

they shall be resident at the time of the execution of this act. And if any person who ought to be taxed by virtue of this act, for or in respect of his personal estate, shall at the time of his assessment be out of the realm, such person shall be rated therefor in such county, city or place where he was last abiding within the realm.

personal estate at the place he was last resident within the realm.

XIII. Provided, That where any person shall have any goods, wares, or merchandizes in any county or counties other than the county where he shall be resident, or had his last residence, it shall be lawful to rate or assess such person for such goods, wares and merchandizes in the county or counties where the same shall be, and every person who shall be rated or assessed for or in respect of any manors, messuages, lands, tenements or other the premises, according to the pound rate of four shillings, as aforesaid, shall be rated and assessed in the place where such messuages, manors, lands, tenements, hereditaments and premises, respectively do ly, and not elsewhere.

XIV. Provided always, That if any person or persons by reason of his or their having several mansion houses, or places of residence, or otherwise shall be doubly charged by occasion of this act, for or in respect of his or their personal estate, then upon certificate made by two or more of the commissioners for the county, city, or place of his or their last personal residence, under their hands and seals, of the sum or sums charged upon him or them, and in what capacity or respect he or they were so charged (which certificate the said commissioners are required to give without delay, fee, or reward) And upon oath made of such certificate before any one justice of the peace of the county or place where the said certificate shall be made (which oath the said justice of peace is hereby authorized and required to administer) then the person and persons so doubly charged, shall for so much as shall be so certified, be discharged in every other county, city or place. And if any person that ought to be taxed by virtue of this act, for or in respect of his personal estate, shall by changing his place of residence, or by any other fraud or covin, escape from the taxation, and not be taxed, and the same be proved before the commissioners, or any two of them, or before any two justices of the peace of the county where such person dwelleth or resideth at any time within one year next ensuing after such tax made, every person that shall so escape from the taxation and payment, shall be charged (upon proof thereof) at the double value of so much as he should or ought to have been taxed at by this act, the said double value upon certificate thereof made into the exchequer by the commissioners or justices (before whom such proof shall be made) to be levied of the goods, lands and tenements of such persons.

XV. And for the better discovery of personal estates, be it further enacted by the authority aforesaid, That every household-er shall upon the demand of the assessors of the respective parishes or places, give an account of the names and qualities of such

such persons as shall sojourn or lodge in their respective houses.

XVI. And be it further enacted by the authority aforesaid, That the commissioners that shall be within any county, city, or place within the respective limits, or the major part of them, shall rate, tax, and assess every other commissioner joyn'd with them, for, and in respect of the ready money, debts, goods, chattels, and personal estate of such commissioners, and also for and in respect of the offices and employments of profit, which at the time of such taxation shall be held and enjoyed by such commissioners, so as the residence and usual dwelling place of such commissioner so to be taxed, be within the division of such commissioner by whom he is taxed, and so as the office or employment held and enjoyed by such commissioner so to be taxed, be likewise to be exercised within the division or limits of such commissioner by whom he is to be taxed. And the commissioners within their division, shall also assess every assessor within their division, for all and singular the premises for which by this act he ought to be rated and assessed, and as well all sums assessed upon every the said commissioner, and also as the assessments made and set by the assessors of the same, shall be written, estreated, levied and gathered as the same should and ought to have been, if such commissioners had not been named commissioners.

Commissioners within their division to rate each other for their personal estates and offices.

Commissioners to assess the assessors.

XVII. And be it further enacted by the authority aforesaid, That all and every person and persons having any share or shares, or interests in any fresh stream of running waters brought to the north parts of *London*, commonly called, *The New River*, or in any *Thames* water-works, or in the *Hyde-Park*, or *Mary-bone* waters, or any rents or profits arising thereby, and all and every person and persons having any share or interest in the stock or stocks for printing of books in or belonging to the house commonly called, *The Kings Printing-House*, shall pay for the same the sum of four shillings for every twenty shillings of the full yearly value thereof. And all and every person and persons having any share or shares, or interest in the river water brought to the north part of *London*, or in any *Thames* water-works, or the *Hyde-Park* or *Mary-bone* waters, or in any rents or profits arising thereby charged by this act; and also the said stock and shares for printing, as aforesaid, shall be assessed for the same by the commissioners nominated and appointed for the city of *London*, or any three of them, after the rates herein contained: and the same shall be paid to such person or persons as the said commissioners shall appoint by the treasurers or receivers of the said river waters, and water-works, and stock for printing, and to be deducted at and out of their next dividend. And the sums to be paid by the respective treasurers or receivers.

Every person having a share in the New River, Thames, Hyde Park, or Mary-bone waters or profits arising thereby, or any interest in the Kings Printing House, to pay 4s. in the pound.

Every person having share, or interest in the said new river water, Thames, Hyde Park, or Mary-bone waters.

And in the stock for printing.

Shall be assessed.

XVIII. Provided also, That this act shall not extend to the inhabitants of *Scotland*, *Ireland*, *Jersey*, or *Guernsey*, for and concerning any such personal estate, which they or any to their use have within the said kingdoms and islands. And if any person

Act not to extend to inhabitants of Scotland, Ireland, Jersey or Guernsey for

persons estates in those places. Any person assessed finding himself aggrieved may appeal.

The major part of the commissioners who signed the rate shall within 10 days after such appeal examine the person upon oath, and abate or increase their assessment. Commissioners required to meet together for determining appeals.

Any assessor, collector, receiver wilfully neglecting or refusing to do his duty,

Commissioners or any three shall impose a fine not exceeding 20l. nor under 10l.

Any two of the commissioners may require an account from the receivers general.

If any controversy arise concerning the assessing commissioners, the com-

person or persons certified, assessed or rated for or in respect of any real or personal estate, or for or in respect of any matter or thing for which by this act he or they is or may be rated or charged, do find him or themselves aggrieved with such assessing or rating, and do within ten days after demand thereof made, complain to the commissioners, the said commissioners, or any five or more of them, so as the major part of the commissioners who signed or allowed his or their rates be present, shall and may within ten days next after such complaint, particularly examine any person or persons upon his or their oath, touching the value of his or their real or personal estate, and other the matters aforesaid; and upon due examination or knowledge thereof abate, defalk, increase or enlarge the said assessment; and the same so abated, increased or enlarged shall be levied, and shall be certified or estreated into the exchequer, in manner aforesaid. And to that end the said commissioners are hereby required to meet together for the determining of such complaints and appeals accordingly, and for this end to express in their warrants to the collectors the times and places for determining appeals, and appeals once heard and determined to be final, without any further appeal upon any pretence whatsoever.

XIX. And it is further enacted by the authority aforesaid, That if any assessor, collector, receiver, or other person appointed by the commissioners, shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act: or if any assessor shall wittingly or knowingly under-rate or assess at an under value, any person or thing chargeable by this act, the said respective commissioners, or any three or more of them may and shall by virtue of this act, impose on such person and persons so refusing, neglecting, or not performing their duties, any fine, not exceeding the sum of twenty pounds, nor under the sum of ten pounds for every offence; which said fine shall not be taken off, or discharged, but by the consent of the majority of the commissioners who imposed the same; the said fines to be levied and certified, as aforesaid, into their Majesties court of exchequer, and charged upon the respective receivers general amongst the rest of the rates aforesaid. And the said commissioners, or any two or more of them, may and shall from time to time call for and require an account from the respective receivers general, of all the moneys received by him of the said head collectors, and of the payment thereof into their Majesties receipt of exchequer, according to the direction of this act: and in case of any failure in the premises the said commissioners, or any two or more of them are hereby required to cause the same to be forthwith levied and paid according to the true intent and meaning of this act.

XX. And it is hereby enacted and declared, That in case any controversy arise concerning the said assessments, or the dividing, apportioning or payment thereof, which concerns any the commissioners by this act appointed, That the commissioners so concerned in the said controversy, shall have no voice, but shall

shall withdraw at the time of the debate of any such controversie, until it be determined by the rest of the commissioners: and in default thereof, That the commissioners then present shall have power, and are hereby required to impose such fine or fines, as to them shall be thought fit, upon such commissioners for refusing to withdraw, not exceeding the sum of twenty pounds; and to cause the same to be levied and paid, as other fines to be imposed by virtue of this act are to be levied and paid. And all questions and differences that shall arise touching any of the said rates, taxes, assessments or levies shall be heard and finally determined by the commissioners, in such manner as by this act is directed, upon complaint thereof to them made by any person or persons thereby grieved, without further trouble, or suit in the law. And the said receivers general shall give acquittances (*gratis*) to the said head collectors, for all moneys of them received: and the said head collectors shall also give acquittances (*gratis*) to the subcollectors for all such moneys as shall be paid them in pursuance of this act: and the said subcollectors shall make and deliver to the said head collectors a perfect schedule fairly written in parchment under their hands and seals, signed and allowed by any two or more of the respective commissioners, containing the names, surnames and places of abode of every person within their respective collections, that shall make default of payment of any of the sums that shall be rated or assessed on such person by virtue of this act, where no sufficient distress is to be found, and not otherwise, and the sum and sums charged on every such person: the same schedule to be delivered by the head collectors to the receiver general of the county, city, or place respectively, to be by him returned into their Majesties court of exchequer, whereupon every person so making default of payment may be charged by process of the said court, according to the course of the court of exchequer in such cases.

XXI. And be it further enacted by the authority aforesaid, That no letters patents granted by their Majesties or any of their royal progenitors, to any person or persons, cities, boroughs, or towns corporate within this realm, of any manner of liberties, privileges, or exemptions from subsidies, tolls, taxes, assessments or aids, shall be construed or taken to exempt any person or persons, city, place, borough or town-corporate, or any of the inhabitants of the same, or in the Tower of London, from the burthen and charge of any sum or sums of money granted by this act; but that all and every such person and persons, city, place, borough and town-corporate, shall pay their proportions of all rates and assessments by this present act imposed; any such letters patents, grants or charters, or any clause of *Non Obstante* matter or thing therein contained, or any law, statute, custom or prescription to the contrary notwithstanding.

XXII. Provided also, That no person inhabiting in any city, borough or town-corporate, shall be compelled to be an assessor for towns corpo-

missioners concerned to withdraw during the debate. And in default the commissioners present may set a fine, not exceeding 20 l. All questions and differences to be determined by the commissioners. Receivers general to give the head collectors, receipts gratis. Head collectors to give receipts gratis to the subcollectors. Subcollectors shall deliver a schedule to the head collectors of those that make default of payment where there is no distress. Which schedule is to be delivered to the receivers general. No privilege of exemption from subsidies, &c. shall extend to rates granted by this act. Inhabitants in cities, boroughs or towns corpo-

rate, not compellable to be assessors or collectors out of the limits.

Act not to charge the societies of colleges or halls in the universities, &c.

Or any reader, officer or minister in the universities, colleges or halls, or the masters or ushers of schools for their stipends, or the houses or lands of Christs Hospital, &c.

or of any hospital or almshouse, in respect only of the rents to be received for the immediate relief of the poor therein.

Tenants of hospitals to be rated for what the lands are worth above the rents reserved.

Inhabitants in cities and towns-corporate, dwelling in one parish or ward, and having goods in another, to be assessed where they dwell.

All places to be assessed in such county, division or place where usually assessed.

for or collector of or for any part of the rates and assessments hereby granted in any place or places out of the limits of the said city, borough or town-corporate.

XXIII. Provided, That nothing contained in this act shall extend to charge any college or hall in either of the two universities, or the colleges of *Windsor*, *Eaton*, *Winton* or *Westminster*, or the corporation of the governours of the charity for relief of poor widows and children of clergymen, or the college of *Bromley*, or any hospital, for or in respect of the scites of the said colleges, halls or hospitals, or any master, fellow or schollar of any such college or hall, or any reader, officer, or minister of the said universities, colleges or halls, or any master or usher of any school, for or in respect of any stipend, wages or profits whatsoever arising or growing due to them in respect of the said several places and employments in the said universities, colleges or schools, or to charge any of the houses or lands belonging to *Christs Hospital*, *St. Bartholomews*, *Bridewell*, *St. Thomas* and *Beithlehem* hospital in the city of *London* and borough of *Southwark*, or any of them, or the said corporation of the governors of the charity for relief of poor widows and children of clergymen, or the college of *Bromley*, nor to extend to charge any other hospital or almshouses, for or in respect only of any rents or revenues payable to the said hospitals or almshouses being to be received and disbursed for the immediate use and relief of the poor in the said hospitals or almshouses only.

XXIV. Provided, That no tenants of any lands or houses by lease or grant from the said corporation or any of the said hospitals or almshouses do claim or enjoy any freedom or exemption by this act, but that all the houses and lands which they so hold, shall be rated and assessed for so much as they are yearly worth over and above the rents reserved and payable to the said corporation, or to the said hospitals or almshouses, to be received and disbursed for the immediate support and relief of the poor in the said hospitals and almshouses.

XXV. Provided also, That where any person inhabiting within the city of *London*, or any other city or town-corporate hath his dwelling-house in one of the parishes and wards therein, and hath any goods, wares, or merchandizes chargeable by this act, in one or more of the other parishes or wards in the same city, that then such person shall be charged, taxed and assessed for such his goods and merchandizes in the parish or ward where he dwelleth, and not elsewhere in the said city.

XXVI. Provided always, and be it further enacted by the authority aforesaid, That for the avoiding all obstructions and delays in assessing and collecting the sums which by this act are to be rated and assessed, all places, constablewicks, divisions and allotments, which have used to be rated and assessed, shall pay and be assessed in such county, hundred, rape, wapentake, constablewick, division, place and allotment, as the same hath heretofore usually been assessed in, and not elsewhere.

XXVII. Pro-

XXVII. Provided always, and be it further enacted, That in case any lands or houses in any parish or constablewick shall lye unoccupied and no distress can be found on the same nor the person of the true owner or proprietor can be found within the county wherein such house or land lieth, by reason whereof the rate and assessment upon such unoccupied house and lands cannot be levied, that then upon complaint made thereof to the commissioners for the county, where such case shall happen to be, the said commissioners, or any two or more of them, shall certify into their Majesties court of exchequer, the name of the person whose lands or house so lieth unoccupied, together with the sum thereupon assessed, and the parish or place where such land or house lieth; which certificate is hereby declared to be a sufficient charge upon the person and land or house therein named, and shall make the person debtor to their Majesties for the sum so assessed. And the court of exchequer shall issue out process thereupon against the body, goods and all other the lands of such debtor, until the sum so assessed be fully and actually levied and paid to their Majesties.

Where lands or houses are unoccupied, and no distress nor the person of the owner to be found, the name of the owner to be certified into the exchequer;

Which certificate is to be a charge, and process to issue against the body, lands and goods.

XXVIII. And it is hereby further enacted and declared, That at the expiration of the respective times in this act prescribed for the full payment of the several and respective rates and assessments herein before granted, the several and respective commissioners, or any two or more of them within their division and hundred, shall and are hereby required to call before them the chief collectors and subcollectors within each respective division and hundred, to examine and assure themselves of the full and whole payment of the particular sum and sums of money charged within and upon the said division and hundred, and every parish and place therein, and of the due return of the same into the hands of the receiver general of the said county, city, town and place respectively; and by such receiver general, to the receipt of their Majesties exchequer, to the end there may be no failure in the payment of any part of the rates and assessments which by this act ought to be levied and paid. And in case of any failure in the premises, the commissioners, or any two of them, are to cause the same forthwith to be levied and paid according to the true intent and meaning of this act.

Commissioners to examine touching the full payment of the sums.

XXIX. And be it further enacted by the authority aforesaid, That if any action, suit, plaint, or information, shall be commenced or prosecuted against any person or persons for whatsoever he or they shall do in pursuance or in execution of this act, such person or persons so sued in any court whatsoever, shall and may plead the general issue, Not guilty; and upon any issue joyned, may give this act, and the special matter in evidence. And if the plaintiff or prosecutor shall become nonsuit, or forbear further prosecution, or suffer discontinuance, or if a verdict shall pass against him, the defendants shall recover their treble costs, for which they shall have the like remedy as in case where costs by law are given to the defendants.

If any action be prosecuted for any thing done in pursuance of this act, the defendant may plead the general issue, and give this act and the special matter in evidence.

If the plaintiff be nonsuit, or treble costs.

verdict pass against him the defendant shall recover

XXX. Pro-

Assessments on houses where foreign ministers shall be resident, shall be paid by the landlord or owner.

In all extraparo-chial and privileged places, the commissioners, or any two, are required to nominate two persons in or near the said places to be assessors, and to appoint one or more Collectors.

Nothing in this act to make void contracts between landlord and tenant or others, touching payment of taxes.

No commissioners shall be liable to the penalties in the act of 75 Car. 2. touching popish recusants.

No commissioners shall be capable to act before he have taken the oaths in the act 1 W. & M. for abrogating the oaths of supremacy and allegiance and are required to administer.

Every papist of the age of 16 or upwards not having taken the oaths in the last mentioned act, shall pay double what

XXX. Provided always and be it enacted, That every rate, tax or assessment which shall be made or imposed by virtue of this act, in respect of any house or tenement which an ambassador, resident, agent or other publick minister of any foreign prince or state, now doth or shall hereafter inhabit or occupy, shall be paid by the landlord or owner of the said houses or tenements respectively.

XXXI. And be it further enacted by the authority aforesaid, That in all privileged and other places, being extraparo-chial or not, within any the constablewicks or precincts of the respective assessors, to be appointed by virtue of this act, (although in any monthly or other tax they have not been assessed or rated heretofore) the said commissioners or any two or more of them, shall and are hereby required to nominate and appoint two fit persons living in or near the said privileged or other places, as aforesaid, to be assessors for the said places, and to make and return their assessments, in like manner as by this act is appointed, in any parish, tything or place; and also to appoint one or more collectors, who are hereby required to collect and pay the same according to the rates appointed by this act for the collecting and paying all sums of money payable by this act.

XXXII. Provided always, That nothing in this act contained, shall be construed to alter, change, determine or make void any contracts, covenants, or agreements whatsoever between landlord and tenant, or others, touching the payment of taxes or assessments; any thing herein before contained to the contrary notwithstanding.

XXXIII. Provided always, and be it further enacted by the authority aforesaid, That no commissioner or commissioners who shall be employed in the execution of this act, shall be liable for or by reason of such execution, to any of the penalties mentioned in the act made in the five and twentieth year of the reign of King Charles the Second, for the preventing of dangers which may happen from popish recusants.

XXXIV. Provided always, and be it enacted, That no person shall be capable of acting as a commissioner in the execution of this act before he shall have taken the oaths appointed by an act of parliament made in the first year of their Majesties reign, entituled, *An act for abrogating of the oaths of supremacy and allegiance, and appointing other oaths*; which oaths it shall be lawful for any two or more commissioners to administer, and are hereby required to administer to any other commissioner.

XXXV. And be it further enacted by the authority aforesaid, That every papist, or reputed papist being of the age of sixteen years or upwards, who shall not have taken the oaths mentioned, and required to be taken by the said last mentioned act, shall yield and pay unto their Majesties double the sums and rates which by force or virtue of any clause in this act before mentioned, or contained, he or she should or ought to pay or

be charged with (that is to say) For every hundred pounds of otherwife he ready money and debts, and for every hundred pounds worth should have of goods, wares, merchandizes, chattels, or personal estate, the paid. sum of eight and fourty shillings; and so after that rate, for every greater or lesser quantity; and for every twenty shillings of the full yearly value of any manors, messuages or other hereditaments or premisses charged by this act, which he or she shall have or hold, the sum of eight shillings to be assessed, levied and collected, answered, recovered, and paid in such manner, by such ways and means, and according to such rules and directions, and under such penalties and forfeitures, as are before in this act expressed or appointed for and concerning the above-mentioned rates and sums, which are hereby intended to be doubled, as aforesaid.

XXXVI. Provided nevertheless, That if any such papist or Unless within reputed papist within ten days after the first meeting of the said 10 days after commissioners in the respective counties or places, where he or the meeting of she ought to be taxed or assessed, according to the intent of this the commis- present act, shall take the said oaths, before two or more of fioners, he shall take the oaths. the said commissioners (which oaths the said commissioners are hereby empowered to administer) That in such case he or she shall not be liable to be doubly assessed, as aforesaid.

XXXVII. And be it further enacted by the authority afore- Every person said, That every person being of the age of sixteen years or of 16 years of upwards, and being within the realm at the time of the execu- age, who shall tion of this act, who shall not before that time have taken the not have taken the said oaths mentioned and required to be taken by the said act, the oaths be- fore the time intituled, *An act for the abrogating the oaths of supremacy and of the execu- allegiance, and appointing other oaths.* And upon summons by tion of the act being sum- warrant under the hand and seal of one or more of the com- moned, missioners appointed by this act, shall refuse to take the said shall refuse to oaths at the time appointed in the said warrant, or shall neglect take the oaths, to appear at such times before the commissioners in order to take or neglect to the said oaths, (which oaths the said commissioners, or any two appear before the commis- sioners in order or more of them are hereby empowered and required to admin- sioners in order ister) shall yield and pay unto their Majesties double the sums to take the said oaths, and rates which by force or virtue of any clause in this act be- shall pay dou- fore mentioned or contained, he or she should or ought to pay, ble the rates or be charged with, in manner as is before in this act appointed, he otherwise touching papists or reputed papists. ought.

XXXVIII. And be it further enacted by the authority afore- Every gentle- said, That every gentleman, or so reputed, or owning, or writ- man, or so re- ing himself such, or being above that quality, and under the puted, &c. degree of a peer of this realm, who by virtue of an act made who by the act in the third year of their Majesties reign, intituled, *An act for 3 W. & M. for raising money by a poll payable quarterly for one year, for carrying the quarterly poll, did or on a vigorous war against France,* did pay or ought to have paid ought to have double the sums charged by the said act, or were, or ought to paid double, or have been returned into the exchequer for non-payment there- returned into of, who shall not voluntarily appear before the said commis- exchequer for sioners, or any three or more of them, within ten days after non-payment, the who shall not

voluntarily appear before the commissioners within 10 days after their first meeting, and take the oaths. Such person shall pay double.

the first meeting of the said commissioners in the respective place or places where he ought to be taxed or assessed, and take the said oaths, appointed by the said act made in the first year of their Majesties reign (which oath the said commissioners, or any three or more of them are hereby impowered and required to administer, and to make an entry or *memorandum* thereof in some book to be kept for that purpose) such person shall be charged with, and pay double the sums which by force or virtue of this act he should or ought to have paid; the said double rates to be assessed, levied, collected, answered, recovered and paid in such manner, by such ways and means, and according to such rules and directions, and under such penalties and forfeitures, as are before in this act expressed or appointed for and concerning the above mentioned rates and sums, which are hereby intended to be doubled, as aforesaid.

Commissioners upon information or suspicion, are required to summon the person suspected to appear and take oaths.

XXXIX. And be it further enacted, That any one or more of the commissioners appointed by this act, upon information given, or upon any cause of suspicion in that behalf, shall and are hereby required and enjoined to cause every person suspected, or against whom such information shall be given, to be summoned to appear and take the said oaths, as aforesaid.

Quakers instead of the oaths, to make and subscribe the declaration of fidelity 1 W. & M. and such person so doing, shall not be chargeable with double rates.

XL. Provided nevertheless, That whereas certain persons, dissenters from the church of *England*, commonly called Quakers, and now known to be such, do scruple the taking of an oath, it shall be sufficient for every such person to make and subscribe the declaration of fidelity contained in an act made the parliament held in the first year of their Majesties reign, entitled, *An act for exempting their protestant subjects dissenting from the church of England, from the penalties of certain laws*; which declaration any two or more of the commissioners appointed for the execution of this act are hereby impowered and required to take; and every such person so doing, shall not be liable to or chargeable with any of the double rates aforesaid.

No person liable to the pound rate, whose lands are not of the yearly value of 20 s.

XLI. Provided, That no poor person shall be charged with, or liable to the pound rate imposed by this act, upon lands, tenements or hereditaments, whose lands, tenements or hereditaments are not of the yearly value of twenty shillings in the whole.

Chancery officers within the liberty of the rolls shall be there assessed.

XLII. Provided always, That the right honourable the master of the rolls, the masters of chancery, six clerks of the petty bag, examiners, registers, clerks of the enrolment, clerks of the affidavits and subpoena office, and all others the officers of the court of chancery that execute their offices within the liberty of the rolls, shall be there assessed for their respective offices, and not elsewhere.

If collectors keep any moneys collected in their hands, or pay any part thereof, other than to the head collectors, or re-

XLIII. And be it further enacted, That if any collector of any parish or place shall keep in his hands any part of the money, by him collected, for any longer time than is by this act directed (other than the allowance made unto him by this act) or shall pay any part thereof to any person or persons other than to the head-collector or receiver-general of such county or place, or his respective deputy, that every such collector shall forfeit

for

for every such offence the sum of ten pounds; And in case any head-collector shall keep in his hands any part of the money paid to him by any collector by virtue of this act for any longer time than is by this act directed, or shall pay any part thereof, to any person or persons other than the receiver general of such county or place, or his deputy, every such head collector shall forfeit for every such offence the sum of forty pounds. And in case any receiver general, or his deputy, shall pay any part of the moneys paid to him or them by any collector or head collector, by virtue of this act, to any person or persons whatsoever other than the receipt of their Majesties exchequer, and at or within the respective times limited by this act, or in case such receiver general, or his deputy, shall pay any part of the said moneys by any warrant of the commissioners of the treasury, or lord treasurer, under treasurer or commissioners of the treasury for the time being, or upon any tally of *Pro* or tally of *Anticipation*, or other way or device whatsoever, whereby to divert or hinder the actual payment thereof into the receipt of exchequer, as aforesaid, that then such receiver general shall for every such offence of himself or his deputy forfeit the sum of one thousand pounds to him or them that shall sue for the same in any court of record, by bill, plaint or other information, wherein no es-
Receiver general shall forfeit 10l.
Head collectors for the like offence shall forfeit 40l.
Receiver general for the like offence shall forfeit 1000l.

XLIV. And it is hereby further enacted, That the commissioners of the treasury, or the lord treasurer, under treasurer, or commissioners of the treasury for the time being, or any of them, do not direct any warrant to any of the said collectors, head-collectors, or receiver-general, or their deputies, for the payment of any part of the moneys hereby given to any person or persons other than into the receipt of the exchequer, as aforesaid; nor shall they, or any of them direct any warrant to the officers of the exchequer for the striking of any tally of *Pro*, or tally of *Anticipation*, nor do any other matter or thing whereby to divert the actual payment of the said moneys into the receipt of the exchequer; nor shall the officers of the exchequer strike, or direct, or record the striking of any tally of *Pro*, or tally of *Anticipation* upon any of the said moneys upon any account or warrant whatsoever; nor shall any teller throw down any bill whereby to charge himself with any of the said moneys, until he shall have actually received the same.
Commissioners of the treasury, or lord treasurer not to direct warrant for payment of any the moneys otherwise then into the exchequer.
Or to the officers of the exchequer, for striking any tally of *Pro* or tally of *Anticipation*.
nor shall the officers of the exchequer strike any such tally.

XLV. Provided also, and be it enacted, That no stay of prosecution upon any command, warrant, motion, or order, or direction by *non vult ulterius prosequi*, shall be had, made, admitted, received, or allowed by any court whatsoever in any suit or proceeding by action of debt, bill, plaint, or information, or otherwise, for the recovery of all, or any the pains, penalties, or forfeitures upon any person or persons by this act inflicted, or therein mentioned, or for, or in order to the conviction or disability of any person offending against this act.
No noli prosequi or other stay of prosecution in any suit against offenders.

XLVI. Provided always, and be it further enacted by the authority aforesaid, That all and every the manors, messuages, lands, &c. to be assessed at lands,

least at double
what they
were assessed
to the 2s. act.

lands, tenements and hereditaments charged by this act, shall be rated and assessed at least at double the sum at which the same was, or were assessed by virtue of an act of parliament made in the first year of their Majesties reign, intituled, *An act for a grant to their Majesties of an aid of two shillings in the pound for one year.*

Commissioners
impowered to
abate, on proof
that lands are
charged above
4s. in the
pound.

XLVII. Provided always, That if any person or persons so charged or assessed at least at double the sum, as aforesaid, shall upon complaint made to the commissioners in such manner, and within such time as is herein before directed in cases of appeals, make it appear to the said commissioners, or any five of them, by proof upon oath, That such assessment doth exceed four shillings for every twenty shillings of the full yearly value, in such case, upon such proof, and due examination thereof, the said commissioners are hereby impowered to abate and lessen the said assessment so much as the same shall exceed four shillings for every twenty shillings of the true yearly value, and no more.

Commissioners
acting before
taking the
oaths forfeit
sool.

XLVIII. Provided always, and be it enacted, That if any person hereby named a commissioner shall presume to act as a commissioner in the execution of this act, before he shall have taken the oaths which by this act he is required to take, and in the manner hereby prescribed, he shall forfeit to their Majesties the sum of five hundred pounds.

No person ca-
pable of acting
as a commis-
sioner in any
county or in
London, or
Westminster,
who did not
pay 20s. a
quarter to the
quarterly poll.
No person, ca-
pable of acting
as a commis-
sioner in any
other place,
unless he was
assessed and
paid 20s. quar-
terly or 10s.
quarterly.
In case there
be not com-
missioners e-
nough suffici-
ently qualified
for any city or
town, the
commissioners
for the county
at large may
act.

XLIX. Provided also, and be it enacted, That no person shall be capable of acting as a commissioner in the execution of this act for any county or riding, or the cities of *London* or *Westminster*, unless he was assessed and did pay to their Majesties the sum of twenty shillings quarterly towards the rates and assessments granted by an act made in the last session of this present parliament, intituled, *An act for raising money by a poll payable quarterly for one year, for the carrying on a vigorous war against France.* And also, that no person shall be capable of acting as a commissioner in the execution of this act for any other city, or in any borough, town or cinque-port, or the counties thereof respectively, unless he was assessed and did pay to their Majesties the sum of twenty shillings quarterly, as aforesaid, or was assessed, and did pay to their Majesties the sum of ten shillings quarterly, (as a tradesman worth three hundred pounds) towards the said quarterly poll.

L. Provided nevertheless, That in case there shall not be a sufficient number of commissioners for any city, borough, town or cinque-port (for which by this act commissioners are particularly appointed) capable of acting according to the qualifications aforesaid for putting this act in execution, that in every such case any of the commissioners appointed for the county at large, within which such cities, borough, town or cinque-port doth stand, or which is next adjoining thereto, may act as commissioners in the execution of this act within such city, borough, town, or cinque-port.

LI. Provided also, and be it further enacted, That in case there shall not be a sufficient number of the persons nominated
to

to be commissioners for any county, who shall be capable of acting as commissioners according to the qualifications in this act before mentioned, that in every such case, it shall be lawful for their Majesties to issue or to cause to be issued one or more commission or commissions under the great seal of *England*, and thereby to nominate, constitute and appoint such and so many persons being resident, and having real estates of the value of one hundred pound a year in the said respective counties, for which they shall be respectively nominated to be commissioners respectively; which said so commissioners to be nominated and appointed for the said counties respectively shall have such and the same powers for putting this act in execution in the said respective counties, and under the same rules and directions as any other commissioners nominated and appointed by this act; any thing herein contained to the contrary notwithstanding.

LII. And for the more effectual charging all personal estates, be it enacted by the authority aforesaid, That if after the assessments on personal estates directed by this act, shall be made, any person shall come to inhabit or reside in any division or place where such person was not rated or taxed for personal estate, the commissioners acting within such division or place, are hereby required and empowered to summon such person before them; And unless he or she shall produce a certificate made according to the directions of this act, whereby it shall appear that he or she was assessed, and had actually paid all the precedent quarterly payments in some other place for his or her personal estate, the said commissioners shall, and are hereby required to cause such person to be assessed for his or her personal estate, and cause the same, or such quarterly payments thereof, as shall be then unassessed and unpaid, to be assessed, levied and paid, according to the true intent and meaning of this act.

LIII. Provided always that the prison of the *King's Bench*, the prison house, lands, gardens and the common side, and all the rents, profits and perquisites of the office of the marshall of the said *King's Bench* prison, lying and being in the parish of *St. George the Martyr*, in the borough of *Southwark*, and county of *Surrey*; and also the prison-house, lands and gardens of the prison of the marshall of the *Marshalsea* prison, and all offices, perquisites and profits of the *Marshalsea* court and prison, lying and being also in the said parish of *Saint George* in the borough of *Southwark*, and county of *Surrey*, shall be charged and assessed to this assessment in the said parish of *Saint George* and borough of *Southwark*, and not elsewhere; any thing to the contrary in any wise notwithstanding.

the *Marshalsea*, and offices and perquisites of the marshals court shall be assessed in the parish of *St. George* in *Southwark*.

LIV. Provided always, and be it enacted, That where the owners of any lands, tenements, or hereditaments, are liable to be doubly charged as papists, reputed papists, or otherwise, by reason of their not having taken the oaths according to the intent of this act, in every such case such owners only shall be charged

In case there be not a sufficient number of commissioners capable of acting for any county. Their Majesties may constitute under the great seal, so many persons being resident, as have real estates of 100l. per ann. in the counties to be commissioners.

If after the assessment, any person shall remove to a place where he was not rated for personal estate, the commissioners are to summon such person before them, and cause him to be rated. And unless he produces a certificate, that he was assessed and paid all precedent quarterly payments for his personal estate. The *Kings Bench* prison, with the lands, &c. Rents and perquisites of the office of marshall.

And the prison house lands, &c. of the marshall of

Where owners of lands are liable to be doubly charged, as papists, or otherwise for

not taking the
oaths,
The owners
shall be only
charged with
double taxes,
and the ten-
nants are dis-
charged.
Borrowing
clause at inte-
rest, not ex-
ceeding 7l. per
cent.

charged with, and shall pay the said double rates: And the respective tenants of such lands, tenements, or hereditaments, are hereby discharged of, and from the same; any covenant for payment of taxes, or other agreement to the contrary notwithstanding.

LV. Provided always, and it is hereby enacted, That it shall, and may be lawful, to and for any person or persons to advance and lend unto their Majesties upon the security of this act, any sum or sums of money, and to have and receive for the forbearance thereof any sum not exceeding seven pounds by the hundred for one whole year, and no more directly or indirectly; And moreover, that no money so lent upon the security of this act shall be rated or assessed by virtue of this act.

LVI. And to the end that all moneys which shall be lent to to their Majesties upon the credit of this act, may be well and sufficiently secured out of the moneys arising, and payable by this act, be it further enacted by the authority aforesaid, That there shall be provided and kept in their Majesties exchequer (that is to say) in the office of the auditor of the receipts, one book and register, in which all moneys that shall be paid into the exchequer by virtue of this act, shall be entred and registred apart and distinct from all other moneys paid or payable to their Majesties upon any other branch of their Majesties revenue, or upon any other account whatsoever: and that all and every person and persons who shall lend any money to their Majesties upon the credit of this act, and pay the same into the receipt of the exchequer, shall immediately have a tally of loan struck for the same, and an order for his repayment, bearing the same date with his tally: in which order shall be also contained a warrant for payment of interest for forbearance thereof, not exceeding seven pounds *per centum per annum*, for his consideration, to be paid every three months, until repayment of his principal: and that all orders for repayment of money, shall be registered in course according to the date of the tally respectively, without preference of one before another: and that all and every person and persons shall be paid in course, according as their orders shall stand entred in the said register book, so as the person, native or foreigner, his executors, administrators and assigns, who shall have his order or orders first entred in the said book of register, shall be taken and accounted the first person to be paid upon the moneys to come in by virtue of this act: and he or they who shall have his or their order or orders next entred, shall be taken and accounted to be the second person to be paid, and so successively, and in course. And that the moneys to come in by this act shall be in the same order liable to the satisfaction of the said respective parties, their executors, administrators or assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent or purpose whatsoever: and that no fee, reward or gratuity, directly or indirectly, be demanded or taken of any their Majesties subjects for providing or making of any such books, registers, entries, views or search, in or for payment of money lent

lent, or the interest, as aforesaid, by any of their Majesties officer or officers, their clerks or deputies, on pain of payment of treble damages to the party aggrieved by the party offending, with costs of suit; or if the officer himself take or demand any such fee or reward, then to lose his place also. And if any undue preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, by any such officer or officers, then the party offending shall be liable by action of debt, or on the case, to pay the value of the debt, damages and costs, to the party aggrieved, and shall be forejudged from his place or office: and if such preference be unduly made by any his deputy or clerk, without direction or privy of his master, then such deputy or clerk only shall be liable to such action, debt, damages and costs, and shall be for ever after incapable of his place, or office. And in case the auditor shall not direct the order, or the clerk of the pells record, or the teller make payment according to each person's due place and order, as afore directed, then he or they shall be judged to forfeit, and their respective deputies and clerks herein offending, to be liable to such action, debt, damages, and costs in such manner, as aforesaid, all which said penalties, forfeitures, damages and costs, to be incurred by any of the officers of the exchequer, or any their deputies or clerks, shall and may be recovered by action of debt, bill, plaint or information, in any of their Majesties courts of record at *Westminster*, wherein noessoign, protection, privilege, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

LVII. Provided always, and be it hereby declared, That if it happen that several tallies of loan, or orders for payment, as aforesaid, bear date, or be brought the same day to the auditor of the receipt to be registred, then it shall be interpreted no undue preference which of those be entred first, so he enters them all the same day.

LVIII. Provided also, That it shall not be interpreted any undue preference to incur any penalty in point of payment, if the auditor direct, and the clerk of the pells record, and the tellers do pay subsequent orders of persons that come and demand their moneys, and bring their order before other persons that did not come to demand their money, and bring their order in their course, so as there be so much money reserved as will satisfy precedent orders, which shall not be otherwise disposed, but kept for them; interest upon loan, being to cease from the time the money is so reserved, and kept in bank for them.

LIX. And be it further enacted by the authority aforesaid, That every person or persons to whom any money shall be due by virtue of this act, after order entered in the book of register aforesaid, for payment thereof, his executors, administrators or assigns, by indorsement of his order, may assign and transfer his right, title, interest and benefit of such order, or any part thereof, to any other; which being notified in the office of the auditor of receipt aforesaid, and an entry or memorial thereof also made in the book of register aforesaid for orders, which the of-

ficers shall upon request, without fee or charge accordingly make; shall intitle such assignee his executors, administrators and assigns to the benefit thereof, and payment thereon, and such assignee may in like manner assign again, and so *toties quoties*, and afterwards it shall not be in the power of such person or persons who have or hath made such assignments, to make void, release or discharge the same, or any the moneys thereby due, or any part thereof.

Clause for transferring moneys borrowed upon the receipt for the quarterly poll to the credit of this act, not exceeding seven hundred thirty five thousand three hundred ninety one pounds eighteen shillings five pence half-penny.

LX. Provided always and be it further enacted, That all and every the principal sums of money which in pursuance of an act made in the last session of this present parliament, entitled, *An act for raising money by a poll payable quarterly for one year for carrying on a vigorous war against France*, and of their Majesties letters of privy seal, bearing date the three and twentieth day of September, one thousand six hundred ninety two, made in pursuance of the said act, have been lent, or shall be lent to their Majesties at the receipt of their exchequer, not exceeding in the whole the sum of seven hundred thirty five thousand three hundred ninety one pounds eighteen shillings five pence half-penny, and all and every the orders of loan for the same, shall be in the first place transferred to, and placed upon the register appointed to be kept by this act, and shall be registred thereupon, in such course and order as they now have by the books kept in the said receipt; or where any special agreements have been made with the lenders for the course or order they were to have, in all such cases, according to those agreements; which transferences shall and may be, and are hereby required to be made by virtue of this act, without making any issues, or taking any receipts from the parties, in order to transfer the said loans: and that the principal moneys upon the said orders so transferred, shall be payable and paid to the lender or lenders, of the same, his, her, or their executors, administrators, or assigns, out of the moneys arising by virtue of this act, in the same course and order according to which they are hereby appointed to be transferred, and with preference to the loans which any person or persons shall make hereafter upon the credit of this present act: and that the interest after the rate of seven pounds *per centum per annum*, due, or to be due, for the said loans to be transferred, as aforesaid, shall be paid and satisfied out of the moneys arising by this act, until the respective times of the satisfaction of the principal: and that the auditor of the said receipt, upon the transferring of the said loans, or the order for the same, as aforesaid, shall make *memorandums* in the margin of his books where the same do, or shall stand entred upon the said act for the quarterly poll, importing the transference thereof, and that they are to be paid out of the moneys arising by virtue of this act: and that any person or persons who are or shall be entituled to any moneys to be paid by such orders, to be transferred, as aforesaid, shall or may assign over the same to any other person or persons; which assignments shall be good and effectual in law, and so *toties quoties*; any thing in the said former act, or in this present act to the contrary notwithstanding.

LXI. And be it enacted, That out of the moneys which shall be levied and paid by virtue of this act, into the receipt of the exchequer, as well by loan or otherwise (over and besides the sum of seven hundred thirty five thousand three hundred ninety one pounds eighteen shillings five pence halfpenny before mentioned, to be transferred to, and placed upon the register appointed to be kept by this act,) the sum of seven hundred thousand pounds shall be, and is hereby applied and appropriated to and for the payment of officers and seamen that have served, and shall serve in their Majesties navy royal, and for the paying for stores, provisions and victuals, supplied and to be supplied for the said navy, and to and for the expences of their Majesties office of ordnance in respect to naval affairs, and for other necessary uses and services, performed and to be performed, in and for the said navy; and that all other the moneys which shall be levied and paid by virtue of this act into the receipt of the exchequer, as well upon loan, as otherwise, other than the said sum of seven hundred thirty five thousand three hundred ninety one pounds eighteen shillings and two pence half-penny, and the interest thereof, and also the sum of seven hundred thousand pounds appropriated for payments relating to their Majesties navy, as aforesaid, shall be applied, and appropriated, and is hereby appropriated to, and for the payment of their Majesties land forces and armies, and the paying for arms, ammunition, and other charges incident to the war, and not otherwise.

Clause of appropriation.

700,000 l. to the use of the navy, &c.

The residue to the use of the land forces.

LXII. And for the effectual doing thereof, and that the said several sums hereby appropriated to the uses aforesaid, may not be diverted or applied to any other purpose, be it further enacted, That the commissioners of the treasury, or the lord treasurer, under treasurer, or the commissioners of the treasury for the time being, or any of them do not direct any warrant to any of the said collectors, or receivers general, or their deputies for the payment of any part of the moneys hereby given to any person or persons other than into the receipt of the exchequer, as aforesaid; nor shall they, or any of them direct any warrant to the officers of the exchequer for striking of any tally of *Pro*, or tally of *Anticipation*, or do any other matter or thing whereby to divert the actual payments of the said moneys into the receipt of the exchequer; nor shall the officers of the exchequer strike or direct, or record the striking of any tally of *Pro*, or tally of *Anticipation* upon any of the said moneys, upon any account or warrant whatsoever; nor shall any teller throw down any bill whereby to charge himself with any of the said moneys, until he shall have actually received the same.

LXIII. And it is hereby further enacted, That the officers of the receipt of the exchequer respectively, shall and are hereby required to keep the said sum of seven hundred thousand pounds hereby appropriated for payments relating to their Majesties navy, as aforesaid, and the account thereof distinct from all other moneys and accounts whatsoever; and that the lord high treasurer, under-treasurer, or commissioners of the treasury for the

time being, or any of them respectively, do not sign any warrant or order, or do any matter or thing for the issuing or paying any part of the said sum of seven hundred thousand pounds by this act appropriated for payments relating to their Majesties navy, as aforesaid, to any person or persons other than the treasurer of the navy or his deputy, and the treasurer of the ordnance or his deputy, for the uses aforesaid; nor shall the auditor of the receipt draw any order whatsoever for the issuing any part of the said sum of seven hundred thousand pounds hereby appropriated, as aforesaid, to any person or persons, other than the said treasurer of the navy or his deputy, and the treasurer of the ordnance or his deputy, as aforesaid; nor shall he direct, nor the clerk of the pells record, or any teller make payment of any part of the said appropriated sum of seven hundred thousand pounds by virtue of any warrant, or upon any order or other way or device whatsoever, other than to the persons and for the uses aforesaid, and to be so mentioned and expressed in such warrant or order.

LXIV. And it is hereby further enacted, That the treasurer of the navy, and the treasurer of the ordnance for the time being, shall keep such part of the said sum of seven hundred thousand pounds appropriated for payments relating to their Majesties navy, as aforesaid, by virtue of this act, as shall be paid to them respectively, distinct and apart from all other moneys; and the treasurer of the navy shall issue and pay such part of the said sum as shall be payed in to him by warrant of the principal officers and commissioners of the navy, or any three or more of them; and the treasurer of the ordnance shall issue and pay such part of the said sum as shall be payed in to him by warrant of the principal officers of the ordnance, or any three of them, mentioning and expressing in the respective warrant the respective uses for which the same is respectively issued and paid, according to the respective appropriations thereof, and applying the same; which said principal officers and commissioners of the navy, and principal officers of the ordnance, are to follow therein the order and direction of the lord high treasurer, or lords commissioners of the treasury for the time being, for apportioning the same for the payment of the officers and seamen, stores, provisions, victuals and the office of ordnance, in respect to naval affairs, as aforesaid, in such just and proportionable distributions as may be most agreeable to the true intent of this act.

LXV. And it is hereby further enacted, That the principal officers and commissioners of the navy, or any of them, or principal officers of the ordnance, or any of them, shall not sign any navy bill or warrant, or do any other act or thing for the issuing and paying any part of the said sum of seven hundred thousand pounds so appropriated by this act, to any use, intent or purpose whatsoever, other than for the respective uses for which the same is appropriated, as aforesaid, and to be so mentioned and expressed in such navy bill or warrant.

LXVI. And be it further enacted, That if any of the officers which are appointed by this act to receive the said sum of seven hundred

hundred thousand pounds, hereby appropriated for payments relating to their Majesties navy, or any part thereof, shall after the receipt of the said money, divert or misapply the same, or any part thereof by virtue of any warrant from the commissioners of the treasury, or from the lord treasurer, or other superiour officers for the time being, contrary to the true intent of this act, that then such officer or officers so diverting or misapplying the said moneys, shall forfeit the like sum so diverted or misapplied; which said forfeiture shall be recovered by action of debt, bill, plaint, or information in any of their Majesties courts at *Westminster*, wherein no essoign, protection, or wager of law shall be allowed; the one moiety of which forfeiture so to be recovered, shall be to the informer, or him who shall sue for the same, the other moiety thereof to be distributed to the poor of the parish where such offence shall be committed.

LXVII. And be it further enacted, That if any officer or officers mentioned in this act, or in any wise belonging to the exchequer, navy or ordnance, shall willingly and wilfully offend against this law, or any clause thereof, by diverting or misapplying any part of the said sum of seven hundred thousand pounds appropriated for payments relating to their Majesties navy, as aforesaid, contrary to the true intent of this act, that for any and every such offence, such officer and officers so offending, shall forfeit his office and place, and is, and are hereby disabled, and made incapable to hold or execute the said office, or any other office whatsoever for the future.

LXVIII. Provided also and be it enacted, That no stay of prosecution upon any command, warrant, motion, order, or direction, by *Non vult ulterius prosequi*, shall be had, made, admitted, received or allowed by any court whatsoever, in any suit or proceeding by action of debt, bill, plaint or information, or otherwise, for the recovery of all or any the pains, penalties or forfeitures, upon any person or persons by this act inflicted, or therein mentioned, or for or in order to the conviction or disability of any persons offending against this act.

LXIX. Provided always, and be it enacted, That out of the moneys hereby appropriated to and for the payment of officers and seamen that have served and shall serve in their Majesties navy royal, and to and for the paying for naval stores and provisions (other than for victuals) and to and for the expences of their Majesties office of the ordnance, in respect of naval affairs, and for other necessary uses and services performed and to be performed for the said navy, all such part thereof as shall be issued and paid by the treasurer of the navy by warrant of the principal officers and commissioners of the navy, or any three or more of them for naval stores and provisions, shall be paid in course to every person or persons, or their assigns to whom any such money is, or shall be due, according to the dates of the bills or contracts registred for the same, and not otherwise; and that out of all such further part of the said moneys, as shall be issued and paid to the lieutenant and principal officers of the ordnance, or the paymaster thereof or his deputy, for the ex-

All moneys issued for naval stores and provisions (except for victuals) to be paid in course.

pence of his Majesties ordnance as to naval affairs, and by them, or the said paymaster respectively to any person or persons for ammunition or any other use or service relating to the office of the ordnance, shall be in like manner paid in course to every such person or persons, or their assigns respectively, according the respective dates of the bills and contracts for the same, and not otherwise; and the comptroller of the navy, and storekeeper of the ordnance are hereby respectively required to keep one or more book or books in their respective offices, wherein all bills and contracts in reference to the navy, and office of the ordnance for such bills and contracts respectively, as aforesaid, shall be duly registred, that all and every person or persons concerned therein may have recourse thereunto without paying any fee or reward for so doing; and if any preference of one before another shall be made, either in point of registry or payment, contrary to the true meaning of this act, either by the said treasurer of the navy, or paymaster of the ordnance, or comptroller of the navy, or storekeeper of the ordnance, or any of them, or their respective deputies or clerks, then the party offending shall be liable by action of debt, or on the case, to pay double the value of the debt, damages and costs to the party grieved, all which said penalties, damages and costs to be incurred by the persons aforesaid, or any of them respectively, shall and may be recovered by the said party grieved, by action of debt, bill, plaint, or information in any of their Majesties courts of record at *Westminster*, wherein no essoin, protection, priviledge, wager of law, injunction, or order of restraint shall be in any wise granted or allowed.

Officers of ordnance or navy board, upon extraordinary occasions may pay imprest money.

LXX. Provided nevertheless, That it shall and may be lawful for the said lieutenant and principal officers of the ordnance, and the officers of the navy-board, upon any emergent or extraordinary occasion, to pay any of the said moneys appropriated by this act to any person or persons upon account, by way of imprest; any thing herein contained to the contrary notwithstanding.

LXXI. Provided also, That it shall not be construed any preference to incur any penalty in point of payment in course, as aforesaid, if the said treasurer of the navy or paymaster of the ordnance, or their deputies respectively do pay subsequent bills of persons which come and demand their money, and bring their warrant or order in their course for the same, so as there be so much money reserved as will satisfie precedent bills or contracts registred, as aforesaid, which shall not be otherwise disposed of, but kept for them in the said respective offices.

Anno Regni GULIELMI & MARIAE, Regis & Reginae Angliae, Scotiae, Franciae, & Hiberniae, Sexto.

At the Parliament begun at *Westminster* the Twentieth day of *March*, Anno Dom. 1689. in the Second year of the Reign of our Sovereign Lord and Lady, *William*

ham and Mary, by the Grace of God, of *England, Scotland, France, and Ireland*, King and Queen, Defenders of the Faith, &c. And from thence Continued by several Prorogations and Adjournments to the Twelfth day of *November*, 1694, being the Sixth Session of this present Parliament.

C A P. VI.

An Act for Granting to his Majesty certain Rates and Duties upon Marriages, Births, and Burials and upon Batchelors and Widowers, for the Term of Five years, for carrying on the War against *France* with Vigour.

WE your Majesties most Dutiful and Loyal Subjects the Commons in Parliament assembled, from a deep sense of the many great occasions, which engage your Majesty in many extraordinary Expences for the necessary Defence of your Realms, and the Prosecution of a War against *France* with Vigour, have cheerfully and unanimously given and granted unto your Majesty, as an additional Supply and Aid, the Rates, Duties, Impositions and sums of Money herein after mentioned; and we most humbly beseech your Majesty that it may be enacted;

Preamble.

II. And be it enacted by the Kings most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament assembled, and by the authority of the same, That from and after the first day of *May*, in the year of our Lord, One thousand six hundred ninety and five, for and during the term of Five years, to commence and be accounted from the said First day of *May*, and no longer, there shall be raised, and levied and paid to his Majesty, his Heirs and Successors (over and above all other Duties whatsoever) for and upon the Burial of all persons, who shall be Buried within the said Term of Five years, at any place within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, the several and respective Duties and Sums of Money herein after mentioned (that is to say;)

Duties given upon Burials for 5 Years.

III. For, and upon the Burial of every person the sum of Four shillings; And for, and upon the Burial of every person of the degree of a Duke of *England, Scotland or Ireland*, the sum of Fifty pounds, over and above the said Four shillings; and for, and upon the Burial of every Dutchess of any of the said three Kingdoms, the like sum of Fifty pounds, over and above the said Four shillings; and for, and upon the Burial of every person of the degree of a Marquess or Marchioness of any of the said three Kingdoms, the sum of Forty pounds, over and above the said Four shillings; and for, and upon the Burial of every person of the degree of an Earl or Countess of any of the said three Kingdoms, the sum of thirty pounds, over and above the said Four shillings; and for and upon the Burial of every person of the degree of a Viscount or Viscountess of any of the said three Kingdoms, the sum of Five and twenty pounds, over and

Particulars.

and above the said Four shillings; and for, and upon the Burial of every person of the degree of a Baron or Barones of any of the said three Kingdoms, the sum of Twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Eldest son of a Duke, of any of the said three Kingdoms, or his Wife the sum of Thirty pounds, over and above the said Four shillings; and for, and upon the Burial of every younger Son of a Duke of any of the said three Kingdoms, or his Wife, the sum of Five and twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Eldest Son of a Marquess of any of the said three Kingdoms, or his Wife, the sum of Five and twenty pounds, over and above the said Four shillings; and for and upon the Burial of every Younger Son of a Marquess of any of the said three Kingdoms, or his Wife, the sum of twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Eldest Son of an Earl of any of the said three Kingdoms, or his Wife, the sum of twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Younger Son of an Earl of any of the said three Kingdoms, or his Wife, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every Eldest Son of a Vicount of any of the said three Kingdoms, or his Wife, the sum of Seventeen pounds and ten shillings, over and above the said Four shillings; and for, and upon the Burial of every Younger Son of a Viscount of any of the said three Kingdoms, or his Wife, the sum of Thirteen pounds six shillings and eight pence, over and above the said Four shillings; and for, and upon the Burial of every Eldest Son of a Baron of any of the said three Kingdoms, or his Wife, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every Younger Son of a Baron of any of the said three Kingdoms, or his Wife, the sum of Twelve pounds, over and above the said Four shillings; and for, and upon the Burial of every Unmarried Daughter of a Duke of any of the said three Kingdoms, the sum of Five and twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Unmarried Daughter of a Marquess of any of the said three Kingdoms, the sum of Twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Unmarried Daughter of an Earl of any of the said three Kingdoms, the sum of Fifteen pounds, over and above the said four shillings; and for, and upon the Burial of every Unmarried Daughter of a Vicount of any of the said three Kingdoms, the sum of Thirteen pounds six shillings and eight pence, over and above the said four shillings; and for, and upon the Burial of every Unmarried Daughter of a Baron of any of the said three Kingdoms, the sum of Twelve pounds, over and above the said four shillings; and for, and upon the Burial of every Widow of a Duke of any of the said three Kingdoms, the sum of Fifty pounds, over and above the said four shillings; and for, and upon the Burial of every Widow of a Marquess, of any

of the said three Kingdoms, the sum of Forty pounds, over and above the said Four shillings; and for, and upon the Burial of every Widow of an Earl of any of the said three Kingdoms, the sum of Thirty pounds, over and above the said Four shillings; and for, and upon the Burial of every Widow of a Viscount of any of the said three Kingdoms, the sum of Five and twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every Widow of a Baron of any of the said three Kingdoms, the sum of Twenty pounds, over and above the said Four shillings; and for, and upon the Burial of every person of the degree of a Baronet of any of the said three Kingdoms, or of *Nova Scotia*, or his Wife, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every person that is a Knight of the Order of the *Bath*, or his Wife, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every person who is a Knight Bachelor, or his Wife, the sum of ten pounds, over and above the said Four shillings; and for, and upon the Burial of every Serjeant at Law, being the Kings Serjeant, the sum of Twenty pounds, over and above the said Four shillings; and for, and upon the Burial of the Wife of every Kings Serjeant, the sum of ten pounds, over and above the said Four shillings; and for, and upon the Burial of every other Serjeant at Law, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every other Serjeants Wife, the sum of Seven pounds and ten shillings, over and above the said Four shillings; and for, and upon the Burial of every person of the degree of an Esquire, or so reputed, or owning or writing himself such, or his Wife, the sum of Five pounds, over and above the said Four shillings; and for, and upon the Burial of every Gentleman, or reputed Gentleman, or owning or writing himself such, or his Wife, the sum of Twenty shillings, over and above the said Four shillings; and for, and upon the Burial of every Younger Child of Barons, Knights of the *Bath*, Knights Bachelors, Serjeants at Law, Esquires or Gentlemen, or reputed Esquires or Gentlemen, or owning or writing themselves such, and their Wives, the sum of Twenty shillings, over and above the said Four shillings; and for, and upon the Burial of every Widow of a Baronet, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every Widow of every Knight of the *Bath*, the sum of Fifteen pounds, over and above the said Four shillings; and for, and upon the Burial of every Widow of a Knight Bachelor, the sum of Ten pounds, over and above the said Four shillings; and for and upon the Burial of every Widow of every Serjeant at Law, being the Kings Serjeant, the Sum of Ten pounds, over and above the said Four shillings; And for and upon the Burial of every Widow of every other Serjeant at Law, the Sum of Seven pounds and Ten shillings, over and above the said Four shillings; And for and upon the Burial of every Widow of an Esquire, or reputed Esquire, or so owning or writing himself as such, the Sum

of

of Five pounds, over and above the said Four shillings; And for, and upon the Burial of every Widow of every Gentleman, or reputed Gentleman, or so owning or writing himself as such, the Sum of Twenty shillings, over and above the said Four shillings; And for and upon the Burial of every person of the order and degree of an Arch-Bishop, the Sum of Fifty pounds, over and above the said Four shillings, And for, and upon the Burial of every Arch-Bishops Wife or Widow, the Sum of Ten pounds, over and above the said Four shillings; And for, and upon the Burial of every person of the degree and order of a Bishop, the Sum of Twenty pounds, over and above the said Four shillings; And for, and upon the Burial of every Wife or Widow of every Bishop, the Sum of Five pounds, over and above the said Four shillings; And for, and upon the Burial of every person of the degree of a Dean of any Cathedral or Collegiate Church, the Sum of Ten pounds, over and above the said Four shillings; And for and upon the Burial of every Wife or Widow of every Dean, the sum of Two pounds ten shillings, over and above the said Four shillings; And for, and upon the Burial of every person of the degree of an Arch-Deacon, the sum of Two pounds ten shillings, over and above the said Four shillings; And for and upon the Burial of the Wife or Widow of every Arch-Deacon, the sum of Twenty shillings, over and above the said Four shillings; And for, and upon the Burial of every person of the degree of a Canon or Prebendary of any Cathedral or Collegiate Church, the sum of two pounds ten shillings, over and above the said Four shillings; And for, and upon the Burial of the Wife or Widow of every Canon or Prebendary, the sum of Twenty shillings, over and above the said Four shillings; And for, and upon the Burial of every person of the degree of a Doctor of Divinity, Law, or Physick, the sum of Five pounds, over and above the said Four shillings; And for, and upon the Burial of the Wife or Widow of every such Doctor of Divinity, Law, or Physick, the sum of Twenty shillings, over and above the said Four shillings; And for and upon the Burial of every Son or Daughter of an Arch-Bishop, Dean, Arch-Deacon, Canon, Prebendary, Doctor of Divinity, Law, or Physick, the sum of Twenty shillings, over and above the said Four shillings; and for, and upon the Burial of every person having a real Estate of the value of Fifty pounds *per Annum* or upwards, or a personal estate of the value of Six hundred pounds or upwards, and not otherwise hereby Charged under any of the Ranks, Orders, Qualifications or Degrees herein before mentioned, the sum of Twenty shillings, over and above the said Four shillings; and for, and upon the Burial of the Wife or Widow, Child or Children of every such person having such real or personal Estate, as aforesaid, the Sum of Ten shillings, over and above the said Four shillings.

Payment into
the Exche-
quer.

IV. And be it further enacted by the authority aforesaid, That the several and respective duties and Sums of money granted, as aforesaid, upon the Burials of the several Persons before mentioned, as the same shall severally become due and

pay-

payable, shall be answered and paid to his Majesty, his Heirs and Successors for the aforesaid term of Five years, by the respective Heirs, Executors or Administrators of every such person so Buried, as aforesaid, before any other Debts or Duties whatsoever; And in default of payment thereof to the Collectors of the said Duty upon Demand, the same shall be Charged upon, and Levied by distress upon the Lands, Tenements and Hereditaments, or the Goods and Chattles of the persons so Buried, in such manner as herein after is directed; and the respective Duties hereby Charged upon the Burial of any person, who shall at the time of his or her death, be under the age of one and twenty years, shall be answered and paid by the Father of such person (if living at the time of the death of such person under age) and if the Father be then dead, by the mother, if she be then living, or otherwise, by the Guardian, Trustee, Executor or Administrator of such person; and the Duty charged upon the Burial of any Wife, shall be paid by the Husband of such Wife.

Manner of
Levyng.

Parents for
Children, &c.

V. And be it further enacted by the authority aforesaid, that from and after the said first day of *May*, for, and during the term of five years and no longer, there shall be raised, levied and paid to his Majesty, his Heirs and Successors, for, and upon the Birth of every person (except as herein after is excepted) who shall be Born within the said term of five years, at any place within the Kingdom of *England*, Dominion of *Wales*, or Town of *Berwick upon Tweed*, the several and respective Duties and sums of Money herein after mentioned (that is to say;)

Duties upon
Births for Five
years.

VI. For, and upon the Birth of every person and Child (except the Child or Children of such as receive Alms) the sum of Two shillings; And for, and upon the Birth of every eldest Son of every person of the degree of a Duke of *England*, *Scotland*, or *Ireland*, or of his Wife by any other Husband after his death, the sum of Thirty pounds over and above the said Two Shillings; And for, and upon the Birth of every other Son or Daughter of such Duke, or of his Wife by any other Husband after his death, the sum of Five and twenty pounds, over and above the said Two shillings; And for, and upon the Birth of every eldest Son of every person of the degree of a Marquess of any of the said three Kingdoms, or of his Wife by any other Husband after his death, the sum of Five and twenty pounds, over and above the said Two shillings; And for, and upon the Birth of every other Son or Daughter of such Marquess, or of his Wife by any other Husband after his death, the sum of Twenty pounds, over and above the said Two shillings; And for, and upon the Birth of every eldest Son of every person of the degree of an Earl, of any of the said three Kingdoms, or of his Wife by any other Husband after his death, the sum of Twenty pounds, over and above the said two shillings; And for, and upon the Birth of every other Son and Daughter of such Earl, or of his Wife by any other Husband after his death, the sum of Fifteen pounds, over and above the said Two shillings; And for, and upon the Birth of the eldest Son of every person

Particulars.

person of the degree of a Vicount of any of the said three Kingdoms, or of his Wife by any other Husband after his Death, the sum of Seventeen pounds ten shillings, over and above the said Two shillings; And for, and upon the Birth of every other Son or Daughter of such Vicount or of his Wife by any other Husband after his death, the sum of thirteen pounds six shillings and eight pence, over and above the said Two Shillings; And for, and upon the Birth of every eldest Son of every person of the degree of a Baron of any of the said three Kingdoms, or of his Wife by any other Husband after his Death, the sum of Fifteen pounds, over and above the said Two shillings; And for, and upon the Birth of every other Son or Daughter of such Baron, or of his Wife by any other Husband after his death, the sum of Twelve pounds, over and above the said Two shillings; And for, and upon the Birth of every eldest Son of every person of the degree of a Baronet, Knight of the Order of the *Bath*, or Knight Batchelor, the sum of Five pounds, over and above the said Two shillings; And for, and upon the Birth of every eldest Son of a Serjeant at Law, Esquire or Gentleman, the sum of Twenty shillings, over and above the said two shillings; And for and upon the Birth of every younger Son or Daughter of Baronets, Knights of the *Bath*, Knights Batchelors, Serjeants at Law, Esquires or Gentlemen, or so reputed, or owning or writing themselves as such, the sum of twenty shillings, over and above the said two shillings; And for, and upon the Birth of every Son or Daughter of an Arch-bishop, Bishop, Dean, Arch-Deacon, Canon, Prebendary, Doctor of Divinity, Law or Physick, the sum of twenty shillings, over and above the said two shillings; And for, and upon the Birth of every Son or Daughter of every person having a real Estate of the Value of Fifty pounds *per Annum* or upwards, or a personal Estate of the Value of Six hundred pounds or upwards, and not hereby otherwise charged under any of the Ranks, Orders, Qualifications or Degrees herein before mentioned, the sum of Ten shillings, over and above the said two shillings.

Births of Children paid by Parents, &c.

VII. And be it further enacted by the authority aforesaid, that the said several and respective sums of money, so imposed, as aforesaid, for and upon the Birth or Births of any Child or Children within the Kingdom, or the Dominion, or Town aforesaid, shall be Charged upon, and Answered and paid to his Majesty, his Heirs and Successors for the aforesaid term of five years, by the Father, if living at the time of the Birth of any such Child or Children, and if he shall be dead at the time of such Birth, by the Mother of such Child or Children, so born; And in case of the death of such Father and Mother at the time of the Birth, by such person or persons who shall take upon him, her, or them, the Guardianship or Care of such Child or Children so born, to be reimbursed again in the first place, out of the real or personal Estate of such Child or Children so born, (if any) to be Levied in such manner as is herein after directed.

VIII. And

VIII. And be it further enacted by the authority aforesaid, that from and after the said First day of *May*, for and during the said term of Five years, there shall be Raised, Levied and paid to his Majesty, his Heirs and Successors, for, and upon every Marriage of any persons (except as herein after is excepted) who shall be Married within the said term of Five years, and no longer, at any place within the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, the several and respective Duties and Sums of money herein after mentioned (that is to say ;)

IX. For, and upon the respective Marriage of every person (except such as receive Alms) the sum of Two shillings and six pence; And for, and upon the Marriage of every person of the degree of a Duke of *England*, *Scotland*, or *Ireland*, the sum of Fifty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every person of the degree of a Marquess of any of the said three Kingdoms, the sum of Forty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every person of the degree of an Earl of any of the said three Kingdoms, the sum of thirty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every person of the degree of a Vicount of any of the said three Kingdoms, the sum of Five and twenty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every person of the degree of a Baron of any of the said three Kingdoms, the sum of twenty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every eldest Son of a Duke of any of the said three Kingdoms, the sum of Thirty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every younger Son of such Duke, the sum of Five and twenty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every eldest Son of a Marquess of any of the said three Kingdoms, the sum of Five and twenty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every younger Son of such Marquess, the Sum of twenty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every eldest Son of an Earl of any of the said three Kingdoms, the sum of twenty pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every younger Son of such Earl, the sum of Fifteen pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every eldest Son of a Viscount of any of the said three Kingdoms, the sum of Seventeen pounds and ten shillings, over and above the said Two shillings and six pence; And for, and upon the Marriage of every younger Son of such Vicount, the sum of Thirteen pounds six shillings and eight pence, over and above the said Two shillings and six pence; And for, and upon the Marriage of every eldest Son of a Baron of any of the said three Kingdoms, the sum of Fifteen pounds, over

over and above the said Two shillings and six pence; And for, and upon the Marriage of every younger Son of such Baron, the sum of Twelve pounds, over and above the said Two shillings and six pence; And for and upon the Marriage of every person of the Degree of a Baronet of any of the said three Kingdoms, or of *Nova Scotia*, the sum of Fifteen pounds, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every person that is a Knight of the Order of the *Bath*, the Sum of Fifteen pounds, over and above the said Two shillings and six pence; And for, and upon the Marriage of every person that is a Knight Batchelor, the Sum of Ten pounds, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every Serjeant at Law, being the Kings Serjeant, the Sum of Twenty pounds, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every other Serjeant at Law, the Sum of Fifteen pounds, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every Esquire, or reputed Esquire, or owning or writing himself to be such, the Sum of Five Pounds, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every Gentleman, or reputed Gentleman, or owning, or writing himself to be such, the Sum of Twenty shillings, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every younger Son of a Baronet, Knight of the *Bath*, Knight Batchelor, Serjeant at Law, Esquire or Gentleman, or reputed Esquire or Gentleman, or writing or owning themselves as such, the Sum of Twenty shillings, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every person of the degree of an Arch-Bishop, the Sum of Fifty pounds, over and above the said two shillings and Six pence; And for, and upon the Marriage of every person of the degree of a Bishop, the Sum of Twenty pounds, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every person of the degree of a Dean of any Cathedral or Collegiate Church, the Sum of ten pounds over and above the said Two shillings and Six pence; And for, and upon the Marriage of every person of the degree of an Arch-Deacon, the Sum of Two pounds and Ten shillings, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every person of the degree of a Canon or Prebendary of any Cathedral or Collegiate Church, the Sum of Two pounds and Ten shillings, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every Person of the degree of a Doctor of Divinity, Law or Physick, the Sum of Five pounds, over and above the said Two shillings, and Six pence; And for and upon the Marriage of every Son of an Arch-Bishop, Bishop, Dean, Arch-Deacon, Canon, Prebendary, Doctor of Divinity, Law or Physick, the Sum of Twenty shillings, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every person having a Real Estate of the Value of Fifty pounds *per Annum*,

or

or upwards or a personal Estate of the Value of Six hundred pounds or upwards, and not otherwise hereby Charged under the several Dignities, Ranks, Orders, Qualifications or Degrees herein before mentioned, the Sum of Twenty shillings, over and above the said Two shillings and Six pence; And for, and upon the Marriage of every Son of every such person or persons having such real or personal Estate, as aforesaid, the Sum of Ten shillings over and above the said Two shillings and Six pence.

X. And be it further enacted by the Authority aforesaid, That the several and respective Duties and sums of money so to be raised and paid by Marriages, as aforesaid as the same shall severally become due and payable, shall be charged upon, and answered, and paid to his Majesty, his Heirs and Successors, for the aforesaid term of Five years, by the husband upon demand. Husbands to
Pay Duties.

XI. And be it further enacted by the Authority aforesaid, That every person Inhabiting and Residing, or which shall Inhabit or Reside in the Kingdom of *England*, Dominion of *Wales* or Town of *Berwick upon Tweed*, being a Batchelor above the Age of Five and twenty years (except such as receive Alms) shall from and after the said First day of *May*, during the said Term of Five years, or so long time thereof as he shall continue a Batchelor, and no longer, pay to his Majesty, his Heirs and Successors, the Sum of one shilling yearly.

XII. And be it further enacted by the authority aforesaid, That every person inhabiting and residing, or which shall Inhabit and reside in the Kingdom of *England*, dominion of *Wales*, and Town of *Berwick upon Tweed*, being a Widower, and having no Child or Children (except such as receive Alms) shall from and after the said First day of *May*, during the said term of Five years, or so long time thereof as he shall continue a Widower, and no longer, pay unto his Majesty, his Heirs and Successors, the sum of one shilling yearly. Duty upon
Batchelors,
and Widowers
without chil-
dren for 5
years.

XIII. And be it further enacted by the authority aforesaid, That from and after the said First day of *May*, all and every person and persons of the several Orders, Ranks, Degrees and Qualifications herein after mentioned, inhabiting and residing, or which shall happen to inhabit and reside in the Kingdom of *England*, Dominion of *Wales*, and Town of *Berwick upon Tweed*, being Batchelors above the Age of Five and twenty years, or Widowers without any Child or Children, shall pay to his Majesty, his Heirs and Successors yearly, during the said term of Five years, or for so long time thereof as they shall continue Unmarried and no longer, the several and respective duties and sums of Money herein after mentioned, over and above the said yearly sum of One shilling, (that is to say;) Every person of the degree of a Duke of *England*, *Scotland* or *Ireland*, the yearly sum of Twelve pounds and Ten shillings; and every person of the degree of a Marquess of any of the said three Kingdoms, the yearly sum of Ten pounds; every person of the degree of an Earl of any of the said three Kingdoms, the yearly sum of Seven pounds and ten shillings; every person of the degree of a Viscount of any of the said three Kingdoms, the yearly sum

of Six pounds and five shillings; every person of the degree of a Baron of any of the said three Kingdoms, the yearly sum of Five pounds; every eldest Son of a Duke of any of the said three Kingdoms, the yearly sum of Seven pounds and ten shillings; every Younger Son of such Duke the yearly sum of Six pounds and five shillings; every Eldest Son of a Marquess of any of the said three Kingdoms, the yearly sum of Six pounds and five shillings; every Younger Son of such Marquess, the yearly sum of Five pounds; every Eldest Son of an Earl of any of the said three Kingdoms, the yearly sum of Five pounds; every Younger Son of such Earl, the yearly sum of Three pounds and fifteen shillings; every Eldest Son of a Vicount of any of the said three Kingdoms, the yearly sum of Four pounds seven shillings and six pence; every Younger Son of such Vicount, the yearly sum of Three pounds six shillings and eight pence; every Eldest Son of a Baron of any of the said Three Kingdoms, the yearly sum of Three pounds fifteen shillings; every Younger Son of such Baron the yearly sum of Three pounds; every person of the degree of a Baronet of any of the said three Kingdoms, or of *Nova Scotia*, the yearly sum of Three pounds and fifteen shillings; every person that is a Knight of the Order of the *Bath*, the yearly sum of Three pounds and fifteen shillings; every person who is a Knight Batchelor, the yearly sum of Two pounds ten shillings; every Serjeant at Law, being the Kings Serjeant, the yearly sum of Five pounds; every other Serjeant at Law, the yearly sum of Three pounds fifteen shillings; every Esquire, or reputed Esquire, or owning or writing himself to be such, the yearly sum of One pound five shillings; every Gentleman, or reputed Gentleman, or so owning or writing himself to be such, the yearly sum of Five shillings; every person of the Degree of an Arch-Bishop, the yearly sum of Twelve pounds and ten shillings; every person of the degree of a Bishop, the yearly sum of Five pounds; every person of the degree of a Dean of any Cathedral or Collegiate Church, the yearly sum of Two pounds and ten shillings; every person of the degree of an Arch-Deacon, the yearly sum of Twelve shillings and six pence; every Canon or Prebendary of any Cathedral or Collegiate Church, the yearly sum of Twelve shillings and six pence; every person of the degree of a Doctor of Divinity, Law, or Physick, the yearly sum of One pound and five shillings, every Son of an Arch-Bishop, Bishop, Dean, Arch-Deacon, Canon, Prebendary, Doctor of Divinity, Law or Physick, the yearly sum of Five shillings; every other person having a Real Estate of the value of Fifty pounds *per Annum* or upwards, or a personal Estate of the value of Six hundred pounds or upwards, and not charged under any of the Orders, Ranks, Degrees or Qualifications aforesaid, the yearly sum of Five shillings; and every Son of such person having such Real or Personal Estate, the yearly sum of Two shillings and six pence; Which said several and respective yearly sums hereby charged, shall be paid by two equal half-yearly payments, at the two most usual Feasts in the year (that is to say) at the Feasts

of St. Michael the Arch-Angel, and the Annunciation of the blessed Virgin Mary.

XIV. Provided always, and be it enacted, That no person shall by virtue of this Act, be doubly charged, for, or in respect of the several Titles, Honours or Degrees, but that every such person shall be charged and chargeable for such Title, Honour or Degree only, as is highest rated by this Act. Person to pay only for his highest Degree.

XV. And be it further enacted by the Authority aforesaid, That for the better execution of this Act, and for the ordering and levying of the several sums of Money, so as aforesaid limited and appointed to be paid, the persons nominated and appointed to be Commissioners for putting in execution an Act of this present Session of Parliament, Entituled, *An Act for Granting to his Majesty an Aid of Four shillings in the Pound for one year, and for Applying the yearly sum of Three hundred thousand Pounds for Five years, out of the Duties of Tunnage and Poundage, and other sums of Money payable upon Merchandizes Exported and Imported, for carrying on the War against France with Vigour,* shall be Commissioners for putting in execution this present Act, and the powers therein contained, within all and every the several and respective Counties, Ridings, Cities, Boroughs, Cinque-Ports, Towns and Places, for the First year of the said term of Five years, for which the Duties hereby imposed are granted; which said Commissioners, in order to the speedy execution of this Act shall (in their respective Counties, Cities, Boroughs, Towns and Places, for which they are appointed Commissioners) respectively meet together at the most usual or Common place of meeting, within such of the said Counties, Cities, Boroughs, Towns and places respectively, at or before the Thirtieth day of April, One thousand six hundred ninety five; and the said Commissioners, or so many of them as shall be present at the First General Meeting, or the major part of them, may by their consents and agreements, divide as well themselves as other the Commissioners, not then present, for the execution of this Act, in Hundreds, Laths, Wapentakes, Rapes, Wards, Towns, and other Places, within their limits Priviledged or not Priviledged, in such manner as to them shall seem meet; and shall direct their several or joynt precept or precepts, to such Inhabitants, and such number of them as they in their discretion shall think most convenient, to be Presenters and Assessors, requiring them to appear before the said Commissioners, at such time and place as they shall appoint, not exceeding ten days; and at such their appearances, the said Commissioners, or so many of them as shall meet, shall openly read or cause to be read unto them, the several Rates and Duties in this Act mentioned, and openly declare the effect of their charge unto them, and how and in what manner they ought and should make their Certificates and Assessments, according to the several Rates aforesaid; and shall then and there prefix another day to the said persons to appear before the said Commissioners, and bring in their Certificates in writing, of the Names, Surnames, Estates, Degrees, Titles and Qualifications

Commissioners for Land-Tax to be Commissioners for the first year.

of all and every the persons dwelling or residing within the limits of those places with which they shall be charged, dividing them into several Columns as they are in Quality, Estate and Qualification, and the Names of all other persons chargeable by this Act, and the sums they are or ought respectively to pay upon Burials, Births or Marriages, and for their being Unmarried, according to the rules and directions of this Act, without concealment, love, favour, dread or malice, upon pain of forfeiture of any sum not exceeding Five pounds, to be levied as by this Act is appointed, and shall also then return the Names of two or more able and sufficient persons, within the bounds or limits of those Parishes or Places where they shall be Assessors respectively, to be Collectors of the several Rates and Duties granted to his Majesty by this Act, which shall grow due and payable within the First year of the said term of Five years; for whose paying unto the Receiver General to be appointed by his Majesty, his Deputy or Deputies, in manner following, such Monies as they shall be charged withal, the Parish or Place, by whom they are so employed, shall be answerable; and every Assessor, so as aforesaid, appointed or to be appointed, shall before he take upon him the execution of the said employment, take the Oaths mentioned and required to be taken, by an Act made in the Parliament held the First year of the Reign of King William and Queen Mary, Entituled, *An Act for the Abrogating the Oaths of Allegiance and Supremacy, and Appointing other Oaths*, and also take an Oath to be administered in these words following:

Assessors Oath. **Y**OU shall Swear well and truly to Execute the Duty of an Assessor, and to cause the Rates and Duties imposed by an Act, Entituled, *An Act for Granting to his Majesty certain Rates and Duties upon Marriages, Births and Burials, and upon Batchelors and Widowers, for the term of Five years, for Carrying on the War against France with Vigour*, to be duly and impartially Assessed, according to the best of your skill and knowledge; and therein you shall spare no Person for Favour or affection, nor any Person Grieve for Hatred or Ill-will.

Which Oaths any two or more of the Commissioners in the County, City, or Place where the said Assessment is to be made, have hereby power, and are hereby required to administer.

Assessors to return a Certificate of Assessment, manner of Collecting.

XVI. And be it further enacted by the authority aforesaid, That the Rates and Assessments charged by this Act, shall be ascertained, and the Certificates thereof returned to the Commissioners, at or before the Thirtieth day of May, One thousand six hundred ninety five; and upon the delivery and returning of such Certificates or Assessments unto the said Commissioners, they, or any three or more of them, shall forthwith issue out and deliver their Warrants or Estreats to such Collectors as aforesaid, for the speedy collecting and levying of the said assessments, as they shall respectively become due and payable, and all Moneys and Rates due thereupon, according to the intent and directions of this present Act; of all which the said Collectors are

are hereby required to make demand of the Parties chargeable therewith, or at the places of their last abode, within ten days after the said Duties hereby granted shall respectively become due and payable, and to pay in the same within twenty days after the Receipt thereof, at such place as the Commissioners shall appoint, unto the respective Receiver General, his Deputy or Deputies, who are hereby impowered and required to call upon and hasten the Collectors to the said payment; and in default of such payment, to levy, by Warrant under the Hands and Seals of any two or more of the Commissioners, upon the Collectors, by distress and sale of his or their Goods and Chattels, such sum and sums of Money as he hath received, and as ought by him to have been paid, and is not paid by reason of his failure in doing his duty, according to the direction of this Act.

XVII. And be it further enacted, That a true Duplicate of the said Assessments be, in convenient time, made out and delivered unto the respective Receivers General, so as every of them may be duly charged to answer their respective Collections and Receipts; and that the respective Receivers General shall pay the several sums of Money by them received by virtue of this Act, into his Majesties Exchequer, by half-yearly payments, at the two most usual Feasts of the year, (that is to say) the Feast of St. *Michael* the Arch-Angel, and the Feast of the Annunciation of the Blessed Virgin *Mary*, or sooner or oftner, if thereunto required by the Commissioners of his Majesty's Treasury, or by the High Treasurer or Commissioners, of the Treasury for the time being; and upon the return of any such Certificate, the said Commissioners, or any three or more of them, shall, and may, if they see cause, examine the Presenters thereof; and if the said Commissioners, or any three or more of them, within their several Limits, shall at the time of the return of the Certificates, or within Twenty days after, have certain knowledge, or vehemently suspect that any person or persons, who ought to be mentioned in the said Certificates, is, or are omitted, or that any person or persons in the said Certificate mentioned, is or are of a higher Degree or Quality, or of a greater Estate than in the said Certificate is mentioned, or is otherwise undercharged, or not duly charged according to the direction of this Act, the said Commissioners, or any three or more of them, shall have power to summon such person or persons to appear before them, at a day and place prefixed, to be examined touching the Rates and Duties aforesaid, or touching other matters which may any way concern the premises; and if any person or persons summoned to be so examined, shall neglect to appear, having not a reasonable excuse for such his default, every person so making default, shall pay unto his Majesty double the sum of the Rate he should or ought to have been set at. And moreover the said Commissioners, or any two or more of them, shall have power, by all lawful ways and means, to examine and enquire into the Degrees, Ranks, Qualifications

Duplicates to be given to Receivers General who are to pay into Exchequer half-yearly.

Commissioner upon return of Certificate may enquire and Rate persons higher.

Receivers General and Collectors Fees.

Fee of Commissioners Clerks.

Manner of Levying.

and Estates of such persons as are charged by this Act, and to set such Rate or Rates upon every such person or persons, as shall be according to the true intent and meaning of this Act. And the said Receiver General shall have an allowance of two pence in the pound, for all Moneys which shall be by him paid into the Receipt of the Exchequer; and that every Collector shall have three pence in the pound for what Money he shall Pay to the Receiver General, his Deputy and Deputies.

XVIII. And for the careful writing and transcribing the said Warrants, Eftreats and Duplicates in due time, Be it further enacted, That the Clerks of the Commissioners, who shall respectively perform the same, shall, by Warrant under two or more of the Commissioners Hands, have and receive from the respective Receivers General, their Deputy or Deputies, one penny in the pound of all such Money as he shall have received by virtue of such Warrants or Certificates, who is hereby appointed and allowed to pay the same accordingly; and if any person or persons shall refuse to pay the several sum and sums and proportions appointed by this Act for such person to pay, upon demand made by the Officer or Collector of the place, according to the Precept or Eftreats to him delivered by the Commissioners appointed by this Act, it shall and may be lawful to and for such Officer or Collector, who are hereby thereunto authorized and required, for Non-payment thereof, to distress the person or persons so refusing by his or their Goods or Chattels, and the distress so taken, to keep by the space of Four days, at the costs and charges of the Owners thereof, and if the said Owner do not pay the respective sums of Money due by this Act, within the said Four days, then the said distress to be appraised by two or more of the Inhabitants where the said distress is taken, and there to be Sold by the said Officer for payment of the said Money, and the overplus coming by the said Sale (if any be) over and above the charges of taking and keeping the said distress, to be immediately restored to the Owner thereof; and moreover it shall and may be lawful to Break open (in the day time) any House, and (upon Warrant under the Hands and Seals of two or more of the said Commissioners) any Chest, Trunk, Box or other things, where any such Goods are, calling to their assistance the Constable, Tythingman, and Headborough within the Counties, Cities, Towns and Places, where any refusal, neglect or resistance shall be made; which said Officers are hereby required to be aiding and assisting in the premises, as they will answer the contrary at their Peril; and if any person or persons, appointed to pay any of the duties charged by this Act, shall refuse or neglect to pay the said sum or sums so appointed to be paid, by the space of ten days after demand, as aforesaid, where no sufficient distress can or may be found, whereby the same may be levied, in every such case, two or more of the Commissioners, or two Justices of the Peace, by this Act appointed for any such City, County or Place, are hereby authorized, by Warrant under their Hands and Seals, to commit

commit such person or persons to the Common Gaol, there to be kept without Bail or Mainprize, until payment shall be made; and if any person certified, assessed, or rated, find him or her self agrieved with such assessing or rating, and do within ten days after notice of such assessments given, as herein after is directed, by reading thereof in the Church, complain to the said Commissioners who signed or allowed their rate, they or any three or more of them shall and may, within ten days next after such complaint, particularly examine the party so complaining, upon his or her Oath, of his or her Rank, Degree, Qualification or Estate, and upon due examination or knowledge thereof, abate, defalk, encrease or enlarge the said Assessment; and the same so abated, encreased or enlarged, shall be Estreated by them into the Exchequer in manner aforesaid; and to that end the said Commissioners are hereby required to meet together for the determining of such Complaints and Appeals accordingly.

Persons over Assessed may Appeal to Commissioners.

XIX. And be it further enacted that for the better and more effectual putting in Execution of this Act, the Justices of the Peace of the several and respective Counties, Ridings, Cities, Towns, Boroughs and places, within the Kingdom of England, Dominion of Wales, and Town of Berwick upon Tweed, shall and are hereby appointed Commissioners, for and during the four last years of the said Term of five years, for which the Duties Imposed by this Act are Granted; Who are hereby Authorized and Required, from time to time to put in Execution the several Powers and Authorities hereby Granted them, according to the several directions of this Act.

Justices of Peace Commissioners for the 4 last years.

XX. And be it further enacted, for the better and more equal Charging the Duties arising by this Act, that at the end of every year of the said term of five years, for which the said Duties are hereby Granted, the Collectors for the next preceeding year, shall cause a copy of the respective Assessments given to them, and of the collection made by them for such Division, Parish or Place, for which they were appointed Collectors respectively, to be fairly written and signed by them, but with such alterations therein, as shall be necessary by reason of the Death, change of Quality or Degree, or Removal of any person or persons or otherwise, and at the bottom thereof, shall write or cause to be written, the Names of two or more of the most substantial Inhabitants of the respective Cities, Towns, Boroughs, Divisions, or Places, for which they were Collectors, whom they in their judgement shall think fit to be appointed Collectors of the said duties within the said Cities, Boroughs, Towns, Divisions or Places respectively for the ensuing year; and the said Collectors are hereby appointed and required to deliver or cause to be delivered the said Assessment so fairly written and signed by them, together with the Names of the persons nominated by them, as fit to be Collectors for the year ensuing, or a true Duplicate thereof Signed, as aforesaid, unto two or more Justices of the Peace for the respective Counties, Ridings, Cities, Towns, Di-

Collectors how chosen Annually. Assessment to be made every year, and Justices for 4 last years may heighten the Assessment.

visions or Places, for which they were appointed Collectors respectively, within the space of ten days after the end of every year of the said term of Five years, for which the duties mentioned in this Act are granted; which Justices of the Peace are hereby authorized and required, strictly to peruse the same, and examine the Presenters thereof, and if the said Justices or any two of them, within their several limits or divisions, shall at the time of the delivery of such Certificates or assessments, or within ten days after, have certain knowledge, or have cause to suspect, that any person or persons who ought to be mentioned in the said Certificates, or Assessments is, or are omitted, or that any person or persons in the said Certificate mentioned, is or are of a higher degree or quality, or of a greater Estate than in the said Certificate is mentioned, or is otherwise Undercharged, or not duly charged according to the direction of this Act, the said Justices, or any two of them, shall have power to summon such person or persons to appear before them, at a day and place prefixt to be examined touching the rates and duties aforesaid, or touching other matters which may any ways concern the Premises; and if any person or persons summoned to be so examined, shall neglect to appear, not having a reasonable excuse for such his default, every person so making default, shall pay unto his Majesty double the sum of the rate he should or ought to have been set at: And moreover, the said Justices of the Peace, to whom such Certificates or Assessments shall be delivered, or any two of them, or any other two Justices of the Peace of the respective Counties where such Assessment shall be made, shall have power, and are hereby required, by all lawful ways and means, to examine and enquire into, and concerning the several Degrees, Ranks, Qualifications and Estates of such persons as are chargeable by this Act and thereupon to enlarge, alter, abate or diminish the said Assessments so delivered to the said Justices, so that such Rate or Rates may be set and imposed upon every such person or persons as shall be according to the true intent and meaning of this Act; And the said Justices of the Peace, or any three or more of them, shall, after such perusal and examination thereof, set their Hands to the said respective Assessments testifying their Allowance thereof; And shall likewise nominate and appoint two of the persons named in the said Certificate or Assessment, to be Collectors for the respective Divisions, and Places, for which they were so presented; And shall forthwith deliver, or cause to be delivered such Assessment, so by them Allowed of, unto the respective persons by them nominated, to be Collectors for the year ensuing; Who are hereby strictly enjoined and required to Collect and pay the several Rates and Duties so Rated and Assessed according to the directions herein before contained, for and touching the Collectors of the said Duties hereby Granted, and under the several Penalties and Forfeitures hereby inflicted upon Collectors for neglect or not performance of their Duty.

XXI. And be it further Enacted by the Authority aforesaid, that the several and respective Collectors of the Duty granted by this

this Act, shall every year, during the continuance thereof, within the space of six days after the respective Assessments or Certificates shall be to them delivered, deliver over the same, or a true Copy thereof, unto the respective Parson, Vicar, Rector or Curate for the respective Parish, Divisions or Places, for which they are appointed Collectors, under the penalty of forfeiting the Sum of Five pounds to his Majesty; And the said Parsons, Rectors, Vicars and Curates, are hereby required under the like penalty of Five pounds, to be forfeited to his Majesty for every offence, on the next Lords day, commonly called Sunday, after the Receipt thereof, openly and publickly to read or cause the same to be read in the Church, immediately after Divine Service in the morning, to the end that every person thereby Rated or Charged, may have notice of such Rate or Charge, and if he or they find him or themselves aggrieved thereby, they may complain and appeal according to the directions of this Act.

Vicars to read the Annual Assessment in the Church.

XXII. And be it further enacted by the Authority aforesaid that during the Four last years of the said term of Five years, for which the Duties Imposed by this Act are granted, upon complaint made by any person or persons Rated or assessed by virtue of this Act, to the Justices of the Peace who Signed or allowed his or their Rate or Assessment within ten days after such notice, as aforesaid, given, by reading the respective Rates and assessments in the Church, as before is directed, the said Justices who Signed or Allowed the said Rates, or any two of them, together with the other Justices of the said County, Riding, City or Place, where such Assessment was made, are hereby impowered at the next Quarter Sessions, after such Complaint, particularly to examine the parties so complaining, upon his or her Oath of his or her Rank, Degree, Qualification or Estate, and upon due examination or knowledge thereof, to abate, encrease, defalk or enlarge the said Assessments, or any of them; And the same so abated, encreased or enlarged, shall be certified and delivered by them unto the respective Collectors of the said Duties for their better direction in the Collection thereof; Who are hereby required to Collect and pay the same, according to the directions of this Act, under the several penalties and forfeitures hereby Inflicted upon Collectors for neglect of, or not performing their duty; And a true Duplicate thereof shall be in convenient time by them made out and delivered unto the respective Receivers General, so as every of them may be duly Charged to answer their respective Collections and Receipts; And the said Collectors and Receivers General are hereby required, to Pay all and every the sums which shall be by them Collected or Received, at any time during the continuance of this Act, at such times and places and in such manner, and under such Penalties and Forfeitures for non payment thereof, as herein before is directed.

Persons griev- ed in four last years may ap- peal to Ju- stices.

XXIII. And be further enacted, that all Appeals once heard and determined by virtue of this Act, shall be final, without any further Appeal upon any pretence whatsoever.

Appeals final.

XXIV. And

Register to be kept in every Parish of Marriages, Births and Burials.

XXIV. And be it further enacted for the better Levying and Collecting the Duties granted by this Act, that all persons in holy Orders, Deans, Parsons, Deacons, Vicars, Curates, and their or any of their Substitutes, do within their respective Parishes, Precincts, and Places, take an exact and true account, and keep a Register in writing of all and every person or persons Married, Buried, Christened or born in his or their respective Parishes or Precincts, or in such Common Burying places as their respective Parishioners are usually Buried in, to which Book or Register, the Collectors for the respective Parishes and Places, and all other persons concerned shall have free access to view the same at all seasonable times, without any Fee or Reward; And And if any such Parson or Minister shall refuse, or neglect to keep a true Register thereof, as before is directed, such Parson or other Minister so offending, shall forfeit the sum of one hundred pounds, to be recovered by such person as shall sue for the same in any of his Majesty's Courts of Record at *Westminster*, by any Action of Debt, Bill, Plaint or Information, wherein no Essoign, wager of Law or protection shall be allowed, and wherein the prosecutor shall recover his full Costs, the moiety of which forfeiture shall be to the use of the Kings Majesty, his Heirs and Successors, and the other Moiety to the persons who shall inform and sue for the same.

Notice to be given to Collectors of Child born.

XXV. And be it further enacted by the authority aforesaid, that the Parents of every Child which shall be born at any time within the said term of Five years, or one of them, shall within Five days after such birth, give notice to the collectors, or one of them of the Parish or Place where such Child was born, and of the Christian name of such Child, and the day of its birth; And the said Collectors, or one of them shall thereupon give a Certificate in writing under his or their hands unto such Parent, testifying that such notice was given, without Fee or Reward for the same; And in case any child shall be born dead, then one of the Parents thereof shall bring a Certificate under the hands of two or more persons testifying the same, unto the said Collectors, or one of them; And in case any Parent shall neglect to give such notice, as aforesaid, he shall Forfeit the Sum of Forty shillings, one Moiety thereof to the King's Majesty, and the other moiety to the Informer.

Non Obstantes to this or any other Act giving Supply void.

XXVI. And be it further enacted by the authority aforesaid, that no letters patents granted by the Kings Majesty, or any of his royal progenitors, or to be granted by his Majesty to any person or persons, Cities, Boroughs or Towns Corporate within this Realm, of any manner of Liberties, Priviledges or Exemptions from Subsidies, Tolls, Taxes, Assessments or Aids, shall be construed or taken to exempt any person or persons, City, Borough or Town Corporate, or any the Inhabitants of the same, from the Burthen and Charge of any sum or sums of money granted by this Act; And all *Non Obstantes* in such Letters Patents, made or to be made, in Bar of any Act or Acts of Parliament for the Supply or Assistance of his Majesty, are hereby declared

declared to be void and of none effect; Any such Letters Patents, Grants or Charters, or any Clause of *Non Obstante*, or other matter or thing therein contained, or any Law or Statute to the contrary notwithstanding.

XXVII. And be it further enacted by the Authority aforesaid, that where any person or persons Chargeable with any Rates or Assessments by this Act Imposed, shall be under the age of one and twenty years, in every such case the Parents, Guardians and Tutors of such Infants respectively, upon default of payment by such Infants, shall be, and are hereby made Liable to, and Charged with the payments which such Infants ought to have made; And if such Parents, Guardians or tutors shall neglect or refuse to pay, as aforesaid, It shall and may be Lawful to proceed against them in like manner as against any other person or persons making default of payment, as herein is mentioned; And all Parents, Guardians and Tutors, making payment, as aforesaid, shall be Allowed all and every the sums paid for such Infants upon his or their Accounts.

Guardians,
&c. Charged
for Infants.

XXVIII. And be it further enacted, that every person Rated or Assessed by virtue of this Act, shall be Rated at such place where he or she shall be Resident at the time of the execution of this Act; And all persons not being Housholders, nor having a certain place of Residence, and all Servants shall be Taxed at the place where they shall be resident at the time of the execution of this act; And if any person who ought to be Taxed by virtue of this act, shall at the time of this Assessment be out of the Realm, such person shall be Rated therefore in such County, City or Place where he was last abiding within this Realm.

Place of Assessment.

XXIX. Provided, that if any person or persons by reason of his or their having several Mansion Houses or places of Residence or otherwise, shall be doubly charged by occasion of this Act, then upon Certificate made by any two or more of the Commissioners for the County, Riding, City or place of his or their personal Residence, under their Hands and Seals of the sum or sums Charged upon him or them, and in what capacity or respect he or they were so Charged, which Certificate the said Commissioners are required to give without delay, Fee or Reward; And upon Oath made of such Certificate before any Justice of the Peace for the County or Place where the said Certificate shall be made (which Oath the said Justice of Peace is hereby Authorized and Required to Administer,) then the person or persons so doubly Charged, shall, for so much as shall be so Certified, be discharged in every other County, City, or Place; And if any other person that ought to be Taxed by virtue of this Act, shall by Changing his place of Residence, or by any other Fraud or Covin, escape from the Taxation, and not be Taxed, and the same be proved before the Commissioners or any two of them, or before any Justice of the Peace in the County, Riding, City, or place where such person dwelleth or resideth, at any time within three months next ensuing after such Tax made, every person that shall so escape from Taxation

Certificate of
Assessment to
be given to
discharge in
another place.

tion and Payment shall be Charged, upon proof thereof, double the value of so much as he should or ought to have been Taxed at by this Act, and the said double value (upon certificate thereof made into the Exchequer by the Commissioners or Justices before whom such proof shall be made) to be Levied on the Goods, Lands and Tenements of such person.

Place of Assessment.

XXX. And for the better discovery of all such persons as are Charged by virtue of this Act Be it further enacted by the Authority aforesaid, that every Householder shall, upon the demand of the Assessors or Collectors of the respective Parishes or Places, give an Account of the Names, Degrees, Qualifications and Estates of such persons as shall Sojourn or Lodge in the respective Houses, under the penalty of Forfeiting to his Majesty the Sum of Five pounds, to be Levied and Recovered in such manner as other penalties in this Act mentioned are to be Levied and Recovered.

Commissioners to Assess Commissioners.

XXXI. Provided always, and be it further enacted, that if the Heir of any person dying, shall pay the Duties Charged by this Act upon the Burial of such person, or if the said Duties shall be Levied, by virtue of this Act, upon the Lands, Tenements, or Hereditaments descended to such Heir, from the person upon whose Burial the said Duties became due, that then such Heir, his Executors or administrators shall be Intituled to recover so much from the Executors or Administrators of such person, out of Assets of the said Testator or Intestate, by Action of Debt, to be brought in any of his Majesties Court of Record at *Westminster*.

Manner of recovering money from Collectors.

XXXII. And it is further enacted and declared, that if any Collector, that shall by virtue of this Act, be appointed for the Receipt of any sums of Money thereby to be Assessed, shall neglect or refuse to pay any sum or sums of money, which shall be by him Received, as aforesaid, and to Pay the same, as in and by this Act is directed, and shall detain in his or their Hands, any Money Received by them, or any of them, and not pay the same at such time, as by this Act is directed, the Commissioners of each County, Riding, City or Town respectively, or any two or more of them in their respective Divisions, are hereby Authorized and Impowered to Imprison the person, and Seize and Secure the Estate both real and personal, of such Collector to him belonging, or which shall descend, or come into the Hands or Possession of his Heirs, Executors or Administrators, whosoever the same can be discovered and found; And the said Commissioners, who shall so Seize and secure the Estate of any Collector or Collectors, shall be, and are hereby Impowered to appoint a time for the General meeting of the Commissioners for such County, Riding, City, Town or Place, and there to cause publick Notice to be given at the place where such meeting shall be appointed six days at least before such general meeting; And the Commissioners present at such general meeting, or the Major part of them, in case the moneys detained by any such Collector or Collectors be not paid or satisfied, as it ought to be, according

according to the directions of this Act, shall and are hereby Impowered and Required to sell and dispose of all such Estates which shall be for the Cause aforesaid Seized and Secured, or any part of them, and to Satisfie and pay into the hands of the Receiver General, the Sum that shall be so detained in the Hands of such Collector or Collectors, their Heirs, Executors or Administrators respectively.

XXXIII. Provided, and be it further enacted by the authority aforesaid, that for the avoiding all obstructions, and delays in assessing and collecting the sums which by this Act are to be rated and assessed, all places, Constablewicks, Divisions and Allotments which have used to be rated and assessed, shall pay and be assessed in such County, Hundred, Rape, Wapentake, Constablewick, Division, Place and Allotment, as the same hath heretofore usually been assessed in, and not elsewhere.

XXXIV. And be it further enacted by the authority aforesaid, that the Commissioners that shall be within any County, City or Place within the respective Limits, or the major part of them, shall rate and assess every other Commissioner joyned with them, for or in respect of the rates and duties hereby granted, so as the residence and usual dwelling-place of such Commissioner, so to be assessed, be within the division of such Commissioners by whom he is assessed; And the Commissioners within their division shall assess every assessor, for all and singular the premises for which, by this act, he ought to be rated and assessed; And as well all sums assessed upon every the said Commissioners and assessors as the assessments made and set by the assessors aforesaid, shall be levied and gathered as the same should and ought to have been if such Commissioners had not been named Commissioners.

XXXV. Provided also, that no person inhabiting in any City, Borough or Town-corporate shall be compelled to be any assessor or collector, of, or for any part of the rates and assessments, hereby granted, in any place or places out of the limits of the said City, Borough or Town-corporate.

XXXVI. And be it further enacted, that in all privileged and other places, being extraparochial, and not within the constablewicks or precincts of the respective assessors, to be appointed by virtue of this Act, the said Commissioners, or any two or more of them, shall, and are hereby required to nominate and appoint two fit persons, living in or near the said privileged or other places, as aforesaid, to be assessors for the said places, and to make and return their said assessments in like manner as by this Act is appointed in any parish, tything or place, and also to appoint two or more Collector or Collectors, who are hereby required to collect and pay the same, according to the rates appointed by this Act for collecting and paying all sums of money payable by this Act.

XXXVII. Provided also, and be it enacted, that no stay of prosecution upon any Command, Warrant, Motion, or Order, or direction by *non vult ulterius prosequi* shall be had, made, admitted,

Houholders to give account of their Lodgers.

Heir paying for Ancestor to be repaid by Executors.

Person in corporation not to be Assessor without.

Assessment of Extraparochials.

No noli prosequi for Offenders.

mitted, received or allowed by any court whatsoever, in any suit or proceeding by Action of Debt, Bill, Plaint or Information or otherwise, for the recovery of all or any the pains, penalties or forfeitures, upon any person or persons by this Act inflicted or therein mentioned, for, or in order to the Conviction or Disability of any person offending against this Act.

Person coming
to live in a
Town after
Assessment
may be assessed by Commissioners.

‘ XXXVIII. And for the more effectual charging all persons ‘ chargeable with any of the duties arising by virtue of this Act,’ be it enacted by the Authority aforesaid, that if after the assessments directed by this act shall be made, any person shall come to inhabit or reside in any division or place where such person was not Rated or Taxed, the Commissioners acting within such division or place are hereby required and impowered to summon such person before them; and unless he or she shall produce a Certificate, made according to the directions of this act, whereby it shall appear that he or she was assessed, and hath paid the duties arising by such assessment in some other place, the said Commissioners shall and are hereby required to cause such person to be assessed, and the money arising by such assessment, to be levied and paid according to the true intent and meaning of this act.

Punishment of
Collectors neglect, &c.
Rules betwixt
Collectors, and
Receivers General.

XXXIX. And be it further enacted, that if any Assessor, Collector, or other person appointed by the Commissioners, shall wilfully neglect or refuse to perform his duty in the due and speedy execution of this act, the said respective Commissioners, or any three or more of them, may and shall by virtue of this act, impose on such person or persons so refusing or neglecting their duties any Fine, not exceeding the sum of twenty pounds for any one offence, the same to be levied and certified, as aforesaid, and charged upon the respective Receivers General, amongst the rest of the Rates aforesaid; And the said Commissioners, or any two or more of them, may or shall from time to time call for and require an account from the respective Receivers General of all the money received by them of the said Collectors, and of the payments thereof into his Majesties Exchequer, according to the directions of this act; And in case of a failure in the premises the said Commissioners, or any two or more of them, are hereby required to cause the same to be forthwith levied and paid according to the true intent and meaning of this act; And in case of any controversy arising between the said Commissioners concerning the said rates or assessments, the Commissioners that shall be concerned therein, shall have no voice, but shall withdraw during the debate of such controversy, until it be determined by the rest of the Commissioners; And all questions and differences that shall arise touching any of the said rates, taxes, assessments or levies, shall be heard and finally determined by three or more of the Commissioners; upon complaint thereof to them made by any person or persons thereby grieved, without further trouble or suit in Law; And the said Receiver General, his deputy or deputies, shall give acquittances *gratis* to the said Collectors for all moneys of them received in pursuance of this act, which acquittances shall be a full discharge to the said Collectors,

lectors, respectively; And the said Collectors shall make and deliver to the said Receivers General, their deputy or deputies, a perfect Schedule fairly written in Parchment, under their Hands and Seals, signed and allowed by any two or more of the said respective Commissioners containing the names and surnames and places of abode of every person, as well Peer as Commoner, within their respective collection, that shall make default of payment of any of the sums that shall be rated or assessed on such persons, for such rate or duty by virtue of this act, and the sum and sums charged on every such person, the same to be returned by him into his Majesties Exchequer; whereupon every person so making default of payment, may be charged by process of the Court, according to the course thereof in that behalf.

XL. Provided always, and be it enacted, That all Constables, Headboroughs, Tythingmen, and other his Majesties Officers, shall, and are hereby required and enjoined to be respectively aiding and assisting in the execution of this act, and to obey and execute such Precepts or Warrants, as shall be to them directed in that behalf, by the respective Commissioners hereby appointed, or any two or more of them.

Constable to
execute Com-
missioners
Warrants.

XLI. And be it further enacted by the authority aforesaid, That if any action, plaint, suit, or information shall be commenced or prosecuted against any person or persons for what he or they shall do in pursuance, or in execution of this act, such person or persons so Sued in any Court whatsoever, shall or may plead the General Issue, Not Guilty, and upon any Issue joyned, may give this act, and the Special Matter in evidence; and if the Plaintiff or Prosecutor shall recover Nonsuit, or forbear further prosecution, or suffer discontinuance, or if a Verdict pass against him, the Defendant or Defendants shall recover their treble Costs, for which they shall have the like remedy, as in any cases, where costs by the Law are given to Defendants.

Person sued
for Executing
this Act shall
plead the ge-
neral issue, &c.

XLII. And be it further enacted by the authority aforesaid, That all moneys due and payable by this act, shall be paid by the particular Collectors of the respective Counties, Cities, Boroughs, Towns, Parishes and Places who shall collect the same, unto such Receiver General, as shall by his Majesty be appointed to receive the same, or the Deputy or Deputies of such Receiver General, to be appointed under his Hand and Seal, whereof Notice shall be given by the Receiver General unto the Commissioners of any two of them, within their respective Divisions, within Ten days after their first General Meeting, and so from time to time within Ten days after every Death or removal of any Deputy, if any such shall happen; and the Receipt of such Receiver General, his Deputy or Deputies, or any of them, shall be a sufficient discharge unto every such Collector.

XLIII. And be it further enacted, That the particular Collectors, for payment of any sums by them received unto such Receiver General, or his Deputy, shall not be obliged to travel above Ten miles from the place of their habitations.

Collectors to
pay the Money
to Receiver-
General, but
not to travel
above 10
miles.

XLIV. And for the better preventing such unjust vexations

as

as might be occasioned by such persons as shall be appointed Receivers General of any of the sums of money granted by this act: and to the Intent the Receivers General may return a true account into his Majesties Court of Exchequer, of such sums of money as shall be received by them, and every of them, their, and every of their Deputy and Deputies, Be it further enacted by the authority aforesaid, that if any such Receiver General, shall return or certifie unto the said Court any sum or sums of money, to be in arrear or unpaid, after the same have been received, either by such Receiver General, or his Deputy or Deputies, or any of them, or shall cause any person or persons to be set *Insufer* in the said Court, for any sum or sums of money that hath been so received, that then every such Receiver General shall forfeit to every person and persons that shall be molested, vexed, or damaged, by reason of such unjust certificate, return, or setting *Insufer*, treble the damages that shall be thereby occasioned, the said damages to be recovered by Action of debt, bill, plaint or information, in which noessoign, protection, or wager of law shall be allowed, nor any more than one Imparlance, and shall also forfeit to his Majesty, his heirs and successors, double the sum that shall be so unjustly certified, or returned, or caused to be set *Insufer*.

Punishment of
Receivers General for setting an *Insufer* unjustly upon Collectors.

Commissioners exempt from Penalties of 25 Car. 2. Cap. 2.

XLV. And be it further enacted by the authority aforesaid, That no Commissioner or Commissioners, who shall be employed in the execution of this act shall be liable, for, or by reason of such execution to any of the penalties mentioned in an act made the Five and twentieth year of King Charles the Second, for the preventing of dangers which may happen from Popish Recusants.

Levyng of duties,

XLVI. Provided always, and be it enacted, That all Penalties and Forfeitures to be incurred for any offences against this act, for which there is no particular way of levyng herein before prescribed or appointed, shall be levied by Warrant under the Hands and Seals of two or more of the respective Commissioners of the division or place where any such offence was or shall be committed, by distress and sale of the Goods of the Offender, rendring the Overplus to the Owner thereof, after a deduction of reasonable charges for distraining the same.

Penalty upon Collectors not delivering Duplicates to next Collectors.

XLVII. Provided always, and be it enacted, That if any Collector, appointed by virtue of this act to collect the duties hereby granted, shall neglect or refuse to deliver a Copy or Duplicate fairly written and signed by him, of the assessment, by which he collected the said Duties, together with the Names, of Two or more of the Inhabitants of the Parish or Place for which he was Collector, to be appointed Collectors for the year next ensuing, at such time and in such manner as herein before is directed, every Collector so offending shall forfeit the sum of twenty pounds to his Majesty, to be recovered and levied in such manner as herein is directed.

Overseers of the Poor to pay Tax for Poores Burial.

XLVIII. Provided always, and be it enacted, That the several duties and sums of money due and payable by this act, for, and upon the Burial of any person, who in his Life-time, and

and at the time of his Death, was relieved where he Inhabited by virtue of any Act of Parliament made for relief of the Poor shall be paid and answered to his Majesty, by the Church-wardens and Overseers of the Poor for that Parish or Place where such person was last relieved or maintained, out of such money as they shall receive for the relief of the Poor of their respective Parishes or Places, and shall be allowed the same upon their accounts; and in default of payment, the said Churchwardens and Overseers shall be liable to be distrained upon, and otherwise prosecuted and punished, in such manner, as any other persons neglecting or refusing to pay the Duties payable by them upon demand, are hereby made lyable to be distrained upon or prosecuted.

XLIX. Provided always, that a demand at the house where the person died, upon whose Burial any duty is payable by this act of the money due for such Burial, shall be construed and deemed to be a good demand thereof by virtue of this act.

Place of demand for Burial Tax.

L. And whereas in Cities, Corporations, and other great Towns, where there are more Parishes than one, and the poor people in the same do generally live in the skirts or outsidcs of such Cities, Corporations, and other great Towns: And in case such poor Parishes should, by virtue of this act, be liable to pay the tax laid upon the burial of every person which received Alms within their respective Parishes, it would be extremely burthensome: For remedy whereof, Be it enacted by the authority aforesaid, that the Churchwardens and overseers of every Parish, in every City or Corporation, or Liberties or Suburbs thereof, and of every great Town, who have more Parishes than one, as aforesaid, shall, during the continuance of this act, upon or before the Tenth day of May in every year, deliver unto the Mayor, Chief Magistrate, or Head Officer or Officers of every such City, Corporation or great Town, a Schedule; or List in Writing, which shall contain the Name of every Poor person Buried in their respective Parishes within the year preceding, and for whose Burial they paid the Duty imposed by this act; upon the delivery whereof such Churchwardens, Overseers of the poor, or some of them, shall make Oath before the said Mayor, Justice of the Peace, Chief Magistrate, or Head Officer, of the truth of the said Schedule or List (which Oath they are respectively hereby empowered to administer) and after delivery of such Schedule or Lists, in manner aforesaid, the said Mayors, Chief Magistrates, or other Head Officers, shall respectively cause all the said sums, so paid by the said respective Churchwardens or Overseers of the poor, upon the Burial of every such poor person in the said several Schedules mentioned to be taxed upon the several Cities, Corporations and great Towns in general, with other charges for relief of the Poor, and in like the manner, and within Two months after the same shall be assessed, shall cause payment to be made to the respective Churchwardens and Overseers of the Poor for the year preceding, of all such sum and sums of money as they respectively paid in their respective Parishes, for the Burial of poor persons in the same year.

Corporation to pay for their Poor of that Suburbs.

Accounting of
the Receivers.

LI. And be it further enacted by the authority aforesaid, That such Receiver or Receivers General, or other person or persons who is or shall be employed in the receiving, collecting or paying the several Duties upon Marriages Births and Burials, and also upon Batchelors and Widowers by this act granted, shall and are hereby required, between the First day of *May*, one thousand six hundred ninety six, and the First day of *November*, following, and so from year to year yearly at those times, during the continuance of this act, to deliver in their respective accounts thereof to his Majesties Auditors of the Imprests for the time being, or one of them, who shall be, and are hereby from time to time respectively authorized to examine upon Oath the said Receiver or Receivers General, or other person or persons Accountants, which are or shall be employed in raising, receiving and collecting the said duties, of what sum or sums of money was or were by them or any of them respectively raised, collected or received within the time of such their accounts, and likewise what part thereof was by them or any of them paid into the Receipt of his Majesties Exchequer, or by virtue of any Warrant of Privy Seal, or Warrant of the Lord High Treasurer, or Commissioner of his Majesties Treasury for the time being, otherwise paid, and to whom, and for what service or services; and in making the said accounts to and before the said Auditors, or one of them, they are to produce proper Vouchers for every sum or sums of money so by them or any of them raised, received and paid, according to the ancient methods of the Exchequer, to the end it may appear upon Record, what the same amounted to in a year, for which such account or accounts shall be made, and what thereof was paid, and to whom, and for what use and service, uses and services as aforesaid, and what remains unpaid, and rests *in super* upon each respective Receiver and Collector; and such account or accounts so to be taken by the said Auditor, is and are to be declared before the Lord Treasurer or Lords Commissioners of the Treasury, and Chancellor of the Exchequer, now and for the time being, according to the course of the Exchequer in such cases.

Penalty upon
Vicars Marrying
in Privileged
place
without Licence.

LII. And be it further enacted by the authority aforesaid, That no person shall be Married at any place pretending to be exempt from the Visitation of the Bishop of the Diocese, without a Licence first had and obtained, except the Banns shall be Published and Certified according to Law; and that every Parson, Vicar, and Curate, who shall Marry any persons contrary to the true intent and meaning hereof, shall forfeit the sum of one hundred pounds, to be recovered by action of debt, bill, plaint or information in any of his Majesties Courts of Record, one moiety whereof to the King, his Heirs and Successors, and the other moiety to the Informer who shall sue for the same, and shall for the Second offence be Suspended *ab Officio & Beneficio*, for the space of Three years.

Fellows of Colleges
Exempt from the
Tax.

LIII. And whereas the Fellows, Students, Scholars and Exhibitioners of the Foundations or Endowments of any Colledge or Hall in the two Universities, are, by the Statutes in their respective

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pective Colledges and Halls, to be displaced from their Places and Maintenance therein, if they shall Marry: Be it enacted by the authority aforesaid, That the Rates and Taxes by this act imposed, or to be imposed on Batchelors, shall not extend to such Fellows, Students or Scholars of Houses, or Scholars having Exhibitions in any such Colledges or Halls; any thing herein contained to the contrary notwithstanding.

LIV. Provided always, and be it further enacted, That where any person under the Age of One and twenty years, shall not be Resident at the time of his or her Death, with his or her Father or Mother, that in such case the Master or Mistres of the Family or House where such person shall die, shall pay the several duties and sums of money, which shall become due and payable, by virtue of this act, for and upon the Burial of such person; and in default of payment, the said duties and sums of money shall be levied by distress and sale of the Goods and Chattels of such Master or Mistres, or otherwise, as by this act is directed touching the duties payable by virtue thereof; and such Master or Mistres, paying such duties as aforesaid, shall, and is hereby intituled to deduct and retain so much as he or she shall so pay, out of the Estate of such person so dying in his or her hands; and in case such Master or Mistres shall not have sufficient Estate in his or her hands belonging to the person Deceased, then such Master or Mistres shall, and is hereby intituled to demand and recover so much Money, as he or she shall so pay, from the Father of such person, if living, and if there shall be no Father living, then from such person who was, or took upon him or her self to be Guardian or Trustee of such Child, by Action of Debt, to be brought in any of his Majesties Courts of Record at Westminster, wherein no essoign, wager of Law or protection shall be allowed.

Master of Family shall pay for Infant Dying, and how repaid.

LV. And for the better preserving the Genealogies, Descents and Alliances of the Nobility and Gentry, Be it further enacted by the authority aforesaid, That upon the Burial of every person or persons, of any the Degrees, Ranks, Titles or Qualities aforesaid, for which a duty of twenty shillings or upwards is charged by this act (except such persons as are charged only for, or in respect of their having Fifty pounds *per Annum*, or six hundred pounds Personal Estate) the party lyable to pay the said duty, shall deliver, or cause to be delivered to the Collector or Collectors appointed by this act, a Certificate in writing, under his or her Hand and Seal, Engrossed in Parchment, or otherwise, expressing the Name, Surname, Title, Quality, Office and Employment (if any) of such deceased person, with the Age, Time of Death, Place of Burial, Marriages and Issue, and the Ages of such Issue, together with the Names, Surnames, Titles and Qualities of the Parents of such deceased persons; which Certificates shall be Transmitted to the Receiver General, his Deputy or Deputies, who shall deliver them to the Kings Heralds and Pursuivants at Arms; and the said Officers of Arms shall thereupon forthwith number, schedule, and digest the same in Alphabetical order, in Books to be provided for that purpose,

Certificate of Degree, &c. of persons Dying.

and shall File up the Originals, in the Colledge of Arms for publick use, and shall be answerable for the keeping thereof, without any Fee or Reward for so doing.

Clause of Credit for 650000l at 8l. per Cent.

LVI. And be it enacted by the authority aforesaid, That it shall and may be lawful, to and for any person or persons, Natives or Foreigners, Bodies Politick or Corporate, to advance and Lend to his Majesty, into the Receipt of his Exchequer, upon the credit of this act, any sum or sums of money, not exceeding the sum of Six hundred and fifty thousand pounds in the whole, and to have and receive for the forbearance of all such money as shall be Lent, Interest not exceeding the rate of Eight pounds *per Centum per Annum*.

Officers to keep a distinct Account.

LVII. And be it further enacted and ordained by the authority aforesaid, That all and every the Officer and Officers, who shall be concerned in the levying, collecting and receiving the duties arising by this act, do keep a separate and distinct Account thereof, and the same shall, from time to time, be brought and paid into the Receipt of the Exchequer.

Order, Tally of Payment in course and Preference.

LVIII. And be it further enacted by the Authority aforesaid, That there shall be provided and kept in his Majesties Exchequer (that is to say) in the Office of the Auditor of the receipts, one Book in which all moneys that shall be paid into the Exchequer, by virtue of this act, shall be Entred and Registered apart and distinct from all other Moneys paid or payable to his Majesty upon any account whatsoever; and that all and every person and persons, Natives or Foreigners, Bodies Politick or Corporate, who shall Lend any Money to his Majesty upon the credit of this act, and pay the same into the Receipt of the Exchequer, shall immediately have a Talley of Loan struck for the same, and an Order for his or their Repayment, bearing the same Date with the Talley; in which Order shall be also contained a Warrant for payment of Interest for Forbearance, not exceeding the Rates aforesaid, for his or their Consideration, to be paid every Three months, until the Repayment of his or their Principal; And that all Orders for Repayment of Money shall be Registered in course, according to the Date of the Tally respectively, without preference of one before another; And that all and every Person and Persons shall be paid in course, according as their Orders shall stand Registered in the said Book, so as that the Person, Native or Foreigner, his or their Executors, Administrators, or Assigns, who shall have his, her or their Order or Orders first Entred in the said Book, shall be taken and accounted as the first Person to be paid upon the Moneys to come in by virtue of this act; And he or they who shall have his or their Order or Orders next Entred, shall be taken and accounted to be the second Person to be paid, and so successively and in course; And that the Moneys to come in by this Act, shall be in the same Order liable to the satisfaction of the said respective Parties, their Executors, Administrators or Assigns successively, without preference of one before another, and not otherwise, and not to be divertible to any other use, intent or purpose whatsoever; And that no Fee, Reward or Gratuity, directly or indirectly,

directly, be demanded or taken of any of his Majesties Subjects, for providing or making of any such Books, Registers, Entries, View or Search, as aforesaid, or in, or for the payment of Money lent, or the Interest, as aforesaid, by any of his Majesties Officer or Officers, their Clerks or Deputies, on pain of payment of treble Damages to the Party grieved, by the Party offending, with Costs of Suit; Or if the Officer himself take or demand any such Fee or Reward, then to lose his Place also; And if any undue preference of one before another shall be made, either in point of Registry or Payment contrary to the true meaning of this act, by any such Officer or Officers, Then the Party offending shall be liable by Action of Debt, or on the Case, to pay the value of the Debt, Damages and Costs to the party grieved, and shall be forejudged from his Place or Office; and if such Preference be unduly made by any his Deputy or Clerk, without Direction or Privy of his Master, Then such Deputy or Clerk only shall be liable to such Action, Debt, Damages and Costs, and shall be for ever after incapable of his Place or Office; And in case the Auditor shall not Direct, or the Clerk of the Pells Record, or the Teller make Payment according to each Persons due Place and Order as afore Directed. Then he or they shall be judged to forfeit, and their respective Deputies and Clerks herein offending, to be liable to such Action, Debt, Damages and Costs, in such manner as aforesaid; All which said Penalties, Forfeitures, Damages and Costs to be incurred by any of the officers aforesaid, any of their deputies or clerks, shall and may be recovered by Action of Debt, Bill, Plaint or Information, in any of his Majesties Courts of Record at *Westminster* wherein no Essoign, Protection, Priviledge, Wager of Law, injunction or Order of Restraint shall be in any wise granted or allowed.

LIX. Provided always, and be it hereby Declared, That if it shall happen that several Talleys of Loan, or Orders for Payment, as aforesaid, bear Date, or be brought the same day to the Auditor of the Receipt to be Registred, Then it shall be interpreted no undue Preference which of those he Enters first, so he Enters them all the same day.

LX. Provided also, That it shall not be interpreted any undue Preference to incur any Penalty in point of payment, if the Auditor Direct, and the Clerk of the Pells Record, and the Teller pay subsequent Orders of Persons that come and demand their Money, and bring their Orders in their course, so as there may be To much Money reserved as will satisfy precedent Orders, which shall not be otherwise disposed, but kept for them, (Interest upon Loan being to cease from the time the Money is so reserved and kept in Bank for them.)

LXI. And be it further enacted by the Authority aforesaid, That every Person or Persons to whom any Money shall be due by virtue of this act, after Order Entred in the Book or Register aforesaid for payment thereof, his Executors, Administrators or Assigns, by Indorsement of his Order may Assign and Transfer his Right, Title, Interest and Benefit of such Order, or any part thereof, to any other; which being notified in the Office of

Provision for
Sallaries.

Quakers, Pa-
pists, and Jews
cohabiting, to
pay, but not
to make their
Marriages
good in Law.

of the Auditor of Receipt aforesaid, and an Entry or Memorial thereof also made in the Book of Register aforesaid for Orders (which the Officers shall upon request, without Fee or Charge, accordingly make) shall Entitle such Assignee, his Executors, Administrators or Assigns, to the Benefit thereof, and Payment thereon; and such Assignee may in like manner assign again, and so *toties quoties*; and afterwards it shall not be in the power of such Person or Persons who have or hath made such Assignments, to make void, release, or discharge the same.

LXII. Provided always, and be it enacted, That it shall and may be lawful to and for his Majesty, his Heirs and Successors, out of the Duties arising by this act, to cause such sum and sums of Money to be expended, and paid from time to time for Salaries and other incident charges, as shall be necessary in and for the receiving, collecting, levying or managing of the same Duties, during the said term therein by this act granted; any thing herein contained to the contrary notwithstanding.

LXIII. Provided always and it be further enacted by the authority aforesaid, That all persons commonly called Quakers, or reputed such, and all Papists or reputed Papists, whether they are Popish Recusants, Convict, or not, and all Jews, or any other persons who shall cohabit and live together as Man and Wife, shall and are hereby made lyable to pay the several and respective Duties and sums of money payable upon Marriages, according to their respective Degrees, Titles, Orders and Qualifications, as they ought to have paid by virtue of this act, if they had been Married according to the Law of *England*; which Duties and sums of Money shall be collected, levied and paid in such manner, and subject to such rules and directions, and under such Penalties and forfeitures, as are in this act specified and contained, for and concerning payment of the several and respective duties payable upon Marriages, any thing herein contained to the contrary notwithstanding; and upon every pretended Marriage which shall be made by any such person, within the said term of Five years, according to the Method and Forms used amongst them, the Man so entering into such pretended state of Marri-mony, shall within Five days after, give Notice thereof to the Collectors, or one of them, of the Parish or Place where he lives; and in default of giving such Notice, he shall forfeit the sum of Five pounds, one Moiety thereof to the Kings Majesty, the other Moiety to the Informer.

LXIV. Provided always, That nothing herein contained shall be construed to make good or effectual in Law any such Marriage or pretended Marriage, but that they shall be of the same Force and virtue, and no other, as they would have been if this act had never been made.

